

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31980

Priority: August 09, 2004

Maximum Diversion Rate: 0.56 CFS

This is to certify, that SETTLERS IRRIGATION DISTRICT
PO BOX 7571
BOISE ID 83707

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	0.56 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE 1/4 NE 1/4 Sec. 28, Twp 04N, 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	
04N 01W 20															18.1	37.4	55.5
04N 01W 21									26.8	38.9	38.3				37.8		141.8
04N 01W 28	12.9	37.7	39.6	5.7	38.6	30.5	10.0	28.4						7.9			211.3

Total Acres: 408.6

CONDITIONS OF APPROVAL

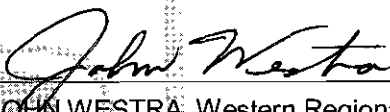
1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2013**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. This right does not grant any right-of-way or easement across the land of another.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31980

7. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. Water bearing zone to be appropriated is from 15 to 88 feet.
10. Water is diverted into the McMullen Lateral.
11. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 22nd day of February, 20 11.


JOHN WESTRA, Western Regional Manager



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

February 23, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

SETTLERS IRRIGATION DISTRICT
PO BOX 7571
BOISE ID 83707

RE: Permit No.63-31980

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.

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

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

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this 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,

for 
John Westra
Western Regional Manager

Enclosure(s)

cc: MOFFATT THOMAS BARRETT ROCK & FIELD CHTD

CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 63-31980

**MOFFATT THOMAS BARRETT ROCK & FIELD CHTD
C/O SCOTT L CAMPBELL
PO BOX 829
BOISE ID 83701-0829**

**SETTLERS IRRIGATION DISTRICT
PO BOX 7571
BOISE ID 83707**

A handwritten signature in cursive script, reading "Jean Hersley", is written over a horizontal line.

**Jean Hersley
Office Specialist II**

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.

MEMORANDUM

Application for Permit #63-31980—Settlers Irrigation Dist.

From: J. Westra

Date: 02/16/11

Background

Sister decreed water right #63-11185 is an overlap of this application. This right was licensed in 01/26/05 and later SRBA decreed on 01/30/09. Application #63-31980 was filed as a result of excess well capacity identified in the license examination for #63-11185-- .56 cfs. See 08/16/04 Comment/Analysis from Dan Nelson under #63-31980 and July 2004 field examination #63-11185.

Injury to Existing Rights

The well point of diversion is located in 4N-1W-Sec 28 with a water bearing zone of 15 to 88 feet. Amended Administrative Memo #59 established ground water bearing zone shallower than 200 feet upstream of Star Bridge is considered tributary to the Boise River—by map outline. The P/D location is included in the designation but near the southwest boundary line, see map.

The applicant through SPF Water Engineering has provided an analysis of the ground water aquifer in the area. The Consultant has submitted convincing data and information the well source does not impact Boise River flow above Star Bridge. The well shallow aquifer is underlying the Whitney Terrace and is direct tributary to the Phyllis Slough. The Phyllis Slough discharges into the Boise River below the Star Bridge, see 02/15/11 Technical Report for Moffatt-Thomas Attorneys .

Sufficiency of Water

The well was constructed in 1963 and has been in production since. There is an ample supply of water. The water compliments the Districts surface water deliveries.

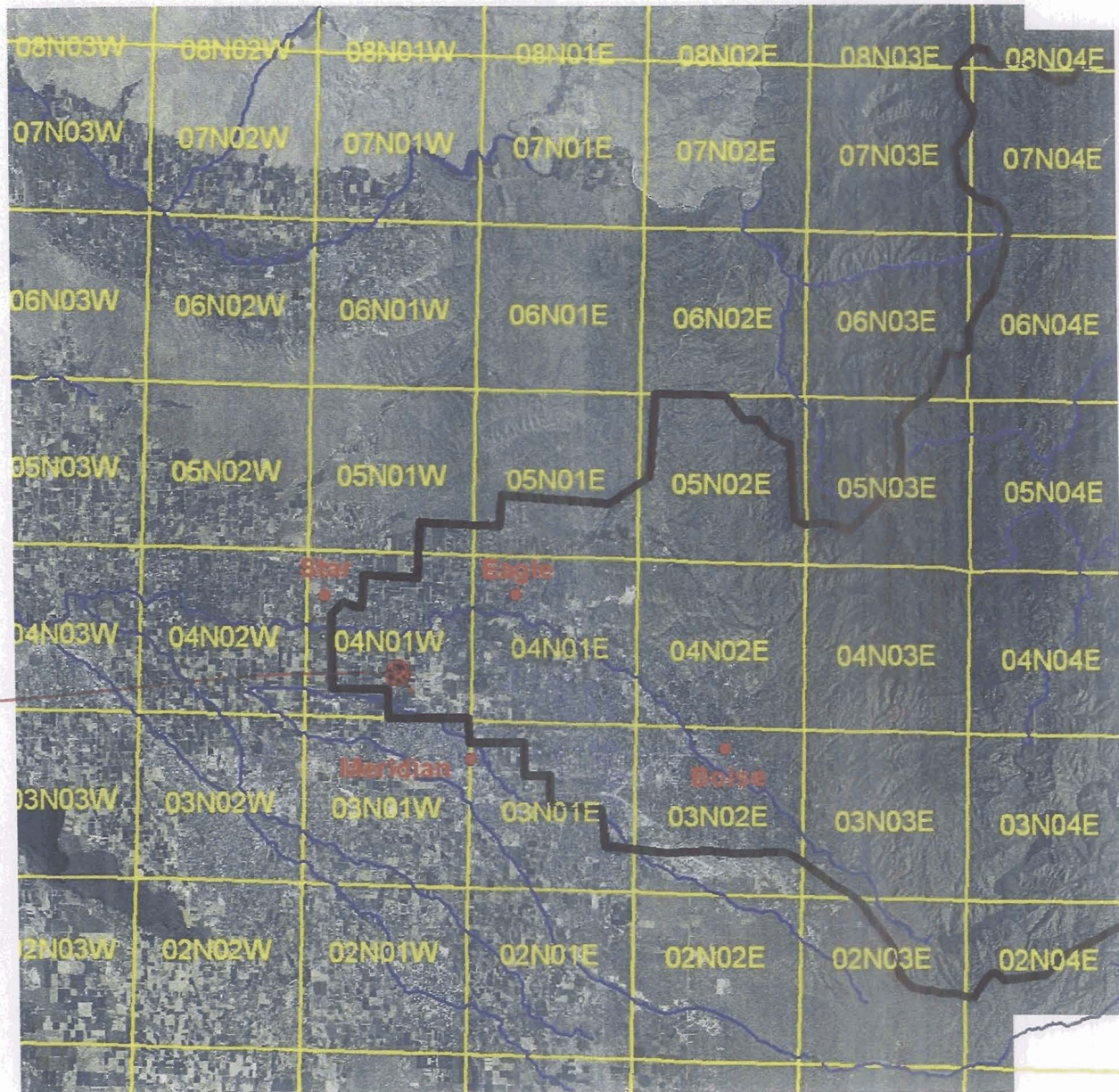
Good Faith/Delay/Speculation

The goal is to bring the current beneficial use into compliance with regulations.

Large Diversion Information

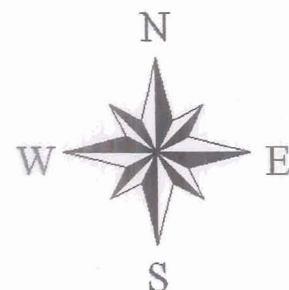
See #63-11185 records.

Map Depicting the Area in which Ground Water Shallower than 200 Feet Below Ground Surface is Tributary to the Boise River Upstream from Star Bridge.



0 10 20 Miles

-  Cities
-  Streams
-  Ground water Tributary above Star
-  Townships



Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

John W. Barrett
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
David B. Lincoln
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns
Michael E. Thomas
Patricia M. Olsson

Christine E. Nicholas
Bradley J. Williams
Lee Radford
Michael O. Roe
Nancy J. Garrett
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGreaham
David P. Gardner
Julian E. Gabiola
Tara Martens
Kimberly D. Evans Ross
Jon A. Stenquist
Mark C. Peterson
Tyler J. Anderson
Andrew J. Waldera

Dylan B. Lawrence
Paul D. McFarlane
C. Edward Carther III
Benjamin C. Ritchie
Noah G. Hillen
Matthew J. McGee
David J. Dance
Mindy M. Willman

Robert E. Bakes, *of counsel*

Willis C. Moffatt, 1907-1980
Eugene C. Thomas, 1931-2010
Kirk R. Helvie, 1956-2003

February 15, 2011

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PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
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RECEIVED

FEB 16 2011

WATER RESOURCES
WESTERN REGION

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

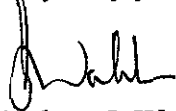
Re: SPF Water Engineering's Source Analysis for Settlers Irrigation District Black Cat Well - Application for Permit No. 63-31980
MTBR&F File No. 18955.0027

Dear Mr. Westra:

As promised, I am providing you with a copy of SPF Water Engineering's Source Analysis Report for Settlers Irrigation District's Black Cat Well. The report was prepared by Christian Petrich.

Settlers and I trust that the enclosed report meets the Department's needs for purposes of issuing a water right permit based upon the underlying, above-referenced application. If you have any questions regarding this matter, please feel free to contact me directly at 385-5418. As always, thank you for your ongoing attention to and assistance with this matter.

Very truly yours,



Andrew J. Waldera

AJW/dll
Enclosure
cc: Nathan Draper



RECEIVED

FEB 16 2011

MEMORANDUM

WATER RESOURCES
WESTERN REGION

DATE: February 4, 2011

TO: Nathan Draper, Manager, Settlers Irrigation District

CC: Andy Waldera, Moffatt Thomas
Scott King, P.E., SPF Water Engineering, LLC

FROM: Christian Petrich, Ph.D., P.E., P.G.

RE: *Source Analysis for Black Cat Well – Water Right Application No. 63-31980*

RECEIVED

FEB 08 2011

MOFFATT, THOMAS, BARRETT
ROCK & FIELDS, CHD

Overview

This memorandum provides an assessment regarding the extent to which pumping from the Settlers Irrigation District's Black Cat Well impacts flows in the Boise River above Star Bridge. Conclusions from this analysis include the following:

1. Pumping of the Black Cat Well has minimal or no impact on flows in the Boise River above Star Bridge.
2. The Phyllis Slough lies between the Black Cat Well and the Boise River along the northern base of the Whitney Terrace. Phyllis Slough is in direct hydraulic connection with the underlying shallow aquifer. The slough drains water from this area, even during the non-irrigation season. As such, Phyllis Slough serves as a year-round local ground-water divide.
3. The Black Cat Well draws water from shallow aquifers underlying the Whitney Terrace. Pumping of the Black Cat Well likely results in decreased discharge from the shallow aquifer into the Phyllis Slough.
4. The Phyllis Slough empties into the Boise River below Star Bridge; decreased flows in Phyllis Slough as a result of pumping in the Black Cat Well will not impact flows in the Boise River above Star Bridge.

Application 63-31980

Settlers Irrigation District seeks authorization to divert 0.56 cfs (250 gpm) from the existing Black Cat Well under Application 60-31980 (Attachment A). This well draws water from water-bearing zones between 15 and 80 feet below ground surface. The water is used to irrigate land within the Settlers Irrigation District boundary. The Idaho Department of Water Resources (IDWR) has requested an analysis of potential impacts to the Boise River above Star Bridge as part of its review process for this application.

Hydrogeology

The Black Cat Well draws water from the uppermost strata of a thick sequence of interbedded, tilted, faulted, and eroded sediments. These sediments extend to depths of several thousand feet below ground surface (Wood and Clemens, 2004). Surficial sediments in the vicinity of the Black Cat Well consist of Pleistocene outwash sediments and Boise River alluvium (Bond and Wood, 1978). The uppermost sediments penetrated by the Black Cat Well have been mapped as gravels of the Whitney Terrace (Othberg, 1994).

The Black Cat Well (located in the SENE of Section 28, T4N R1W – see Figure 1) was drilled for drainage and supplemental irrigation purposes in 1963. Below the uppermost soil horizons, this 16-inch diameter well (Attachment B) penetrated sand and gravel layers to a depth of 42 feet and interbedded sand, silt, and clay layers to a depth of 115 feet. Most wells in the immediate vicinity of the Black Cat Well (Attachment C) penetrate sediments similar to those encountered in the Black Cat Well.

The Black Cat Well was completed to a depth of 107 feet, with a perforated casing extending from 1 foot to 107 feet below ground surface. The static water level following drilling was 8 feet below ground surface. Following completion, the well was pumped at a rate of 550 gallons per minute for five hours with 12 feet of drawdown.

Ground-Water Flow

Aquifers in this area are present from near ground surface to thousands of feet below ground surface (although productivity diminishes at greater depths). The direction of shallow ground-water flow in the vicinity of the Black Cat Well (Figure 2 and Figure 3) is to the west-northwest (Lindholm et al., 1988; Petrich and Urban, 2004). Recharge to shallow aquifers in the vicinity of the Black Cat Well consists of seepage from irrigation activities, seepage from surface-water channels (canals, laterals, and ditches), and, to a lesser extent, infiltration from precipitation (Petrich and Urban, 2004). Shallow aquifers discharge to (1) drains and surface channels (Figure 4 and Figure 5) north and northwest of the Black Cat Well, (2) wells, and (3) ground surface via evapotranspiration (in areas with shallow ground-water levels).

Historically, the Boise River formed a local flow divide for aquifers in this area. However, development of irrigation in the Treasure Valley led to substantial increases in ground-water levels – as much as 140 feet in some places (Nace et al., 1957; Thomas and Dion, 1974). High ground-water conditions resulted in waterlogging of lower-lying lands. By 1912, "extensive areas had been rendered worthless for agricultural purposes and

drainage relief was imperative" (Iakisch, 1931). Constructed and natural drains now intercept shallow ground-water flow in many areas.

The Boise River alluvial plain north of the Whitney Terrace is such a low-lying area. The Phyllis Slough and the Eureka Canal are in direct hydraulic connection with the shallow aquifer in this area¹ (Figure 4). The Phyllis Slough intercepts shallow ground-water flow along the southern edge of the alluvial plain, i.e., along the northern base of the Whitney Terrace, and does so even during the non-irrigation season (Figure 6 and Figure 7).

The elevation of the Phyllis Slough near Black Cat Road is approximately 2,500 feet above mean sea level². This is approximately 40 feet less than the surface elevation of the Whitney Terrace at the Black Cat Well (2,543 feet³), and approximately 32 feet less than the static water level in the Black Cat Well following well construction. This hydraulic gradient is consistent with regional directions of ground water flow (Figure 2 and Figure 3).

On the Whitney Terrace, drillers' reports list depths to water ranging from 10 to 38 feet. However, one 83-foot deep well located at the base of the Whitney Terrace and approximately 0.9 miles northwest of the Black Cat Well (the Kirby Orme well at 5590 Joplin Road, in the NWNE of Section 21, T4N R1W – see Figure 8) showed 3 psi artesian pressure following well construction in 1995 (Attachment C). This indicates an upward hydraulic gradient in the general vicinity of the Phyllis Slough.

Impacts of Ground-Water Withdrawals from the Black Cat Well

Settlers Irrigation District seeks to evaluate the effect of withdrawals from the Black Cat Well. At question is the degree to which these withdrawals impact flow in the Boise River above Star Bridge.

Withdrawals from the Black Cat Well are from a shallow aquifer that is in direct hydraulic connection with surface channels such as the Phyllis Slough at the base of the Whitney Terrace. The Phyllis Slough serves as a drainage channel even during the non-irrigation season.

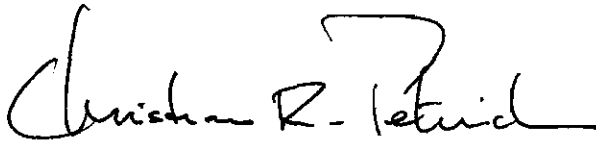
A cone of depression from pumping the Black Cat Well will propagate radially (assuming relatively isotropic shallow aquifer sediments). North of the Black Cat Well this cone of depression will encounter a local ground-water flow divide represented by the Phyllis Slough. Pumping of the Black Cat Well will result in reduced discharge to the Phyllis Slough and other nearby low-lying areas. The Phyllis Slough empties into the Boise

¹ The Phyllis Canal also may receive discharge from shallow aquifers on a seasonal basis.

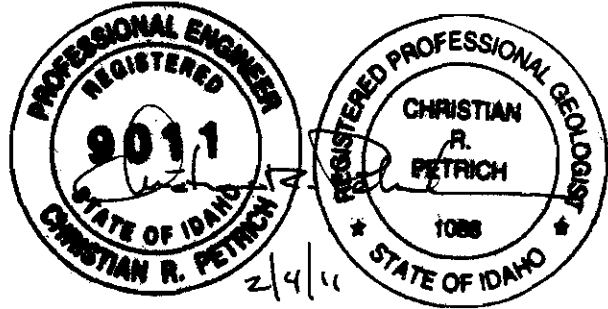
² Google Earth elevation.

³ *Ibid.*

River below Star Bridge (Figure 4). Therefore, it is my opinion that pumping from the Black Cat Well will likely impact flows in the Boise River *below* Star Bridge, not *above* Star Bridge.



Christian R. Petrich, Ph.D., P.E., P.G.



Attachments

Attachment A: Application 63-31980 Report

Attachment B: Driller's report, Black Cat Well

Attachment C: Drillers' reports from the Black Cat Well Vicinity

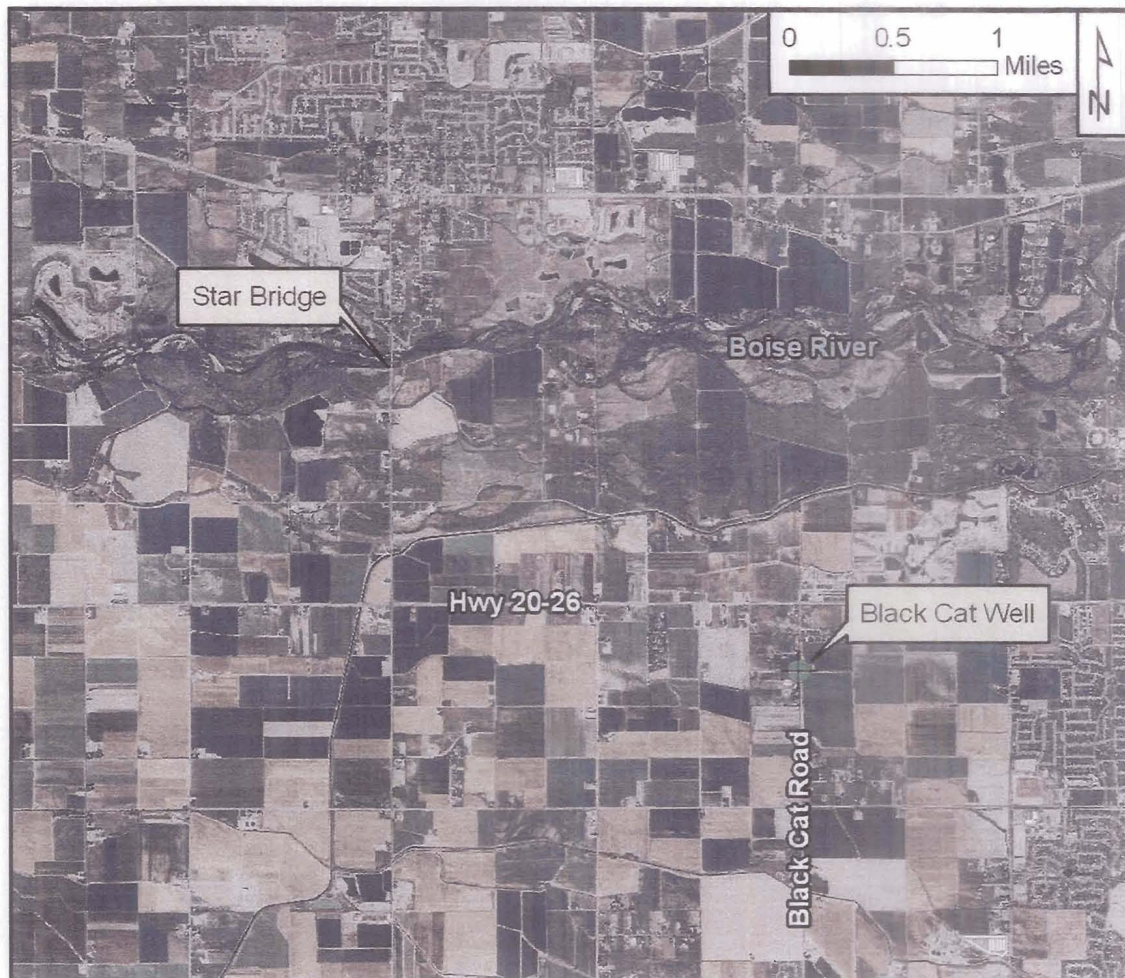


Figure 1. Black Cat Well and vicinity.

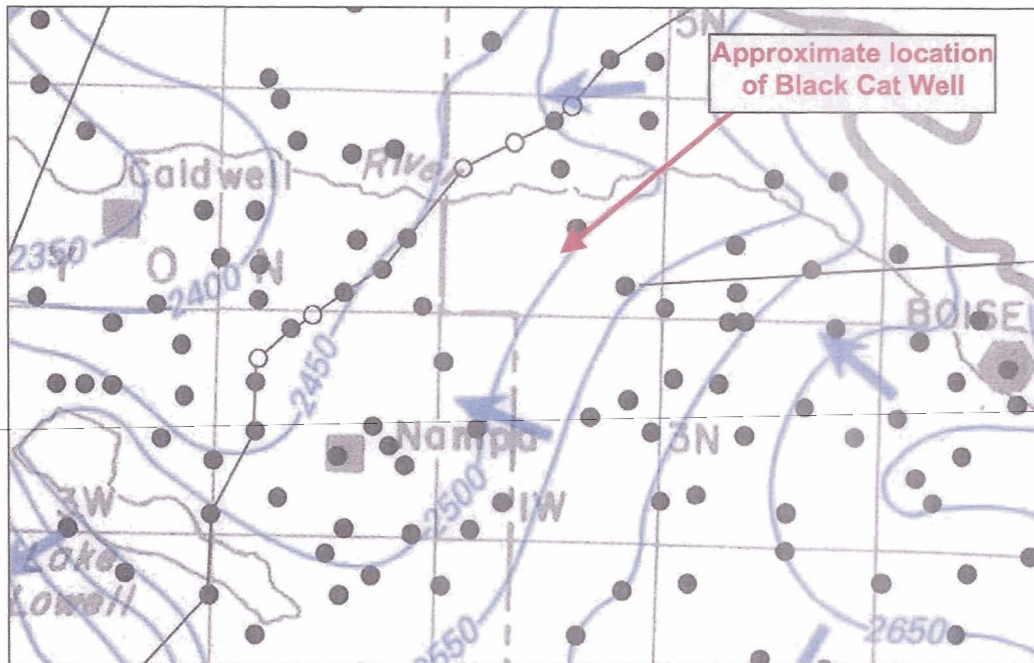


Figure 2. Direction of ground-water flow (Lindholm et al., 1988).

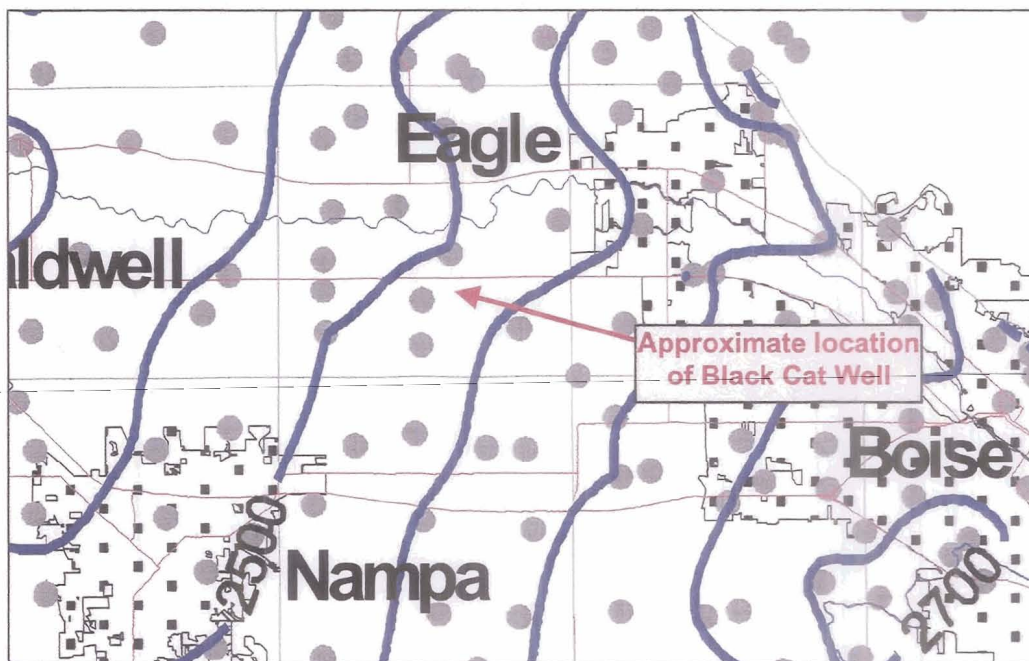


Figure 3. Direction of ground-water flow (Petrich and Urban, 2004, based on 1996 water-level data from shallow wells).

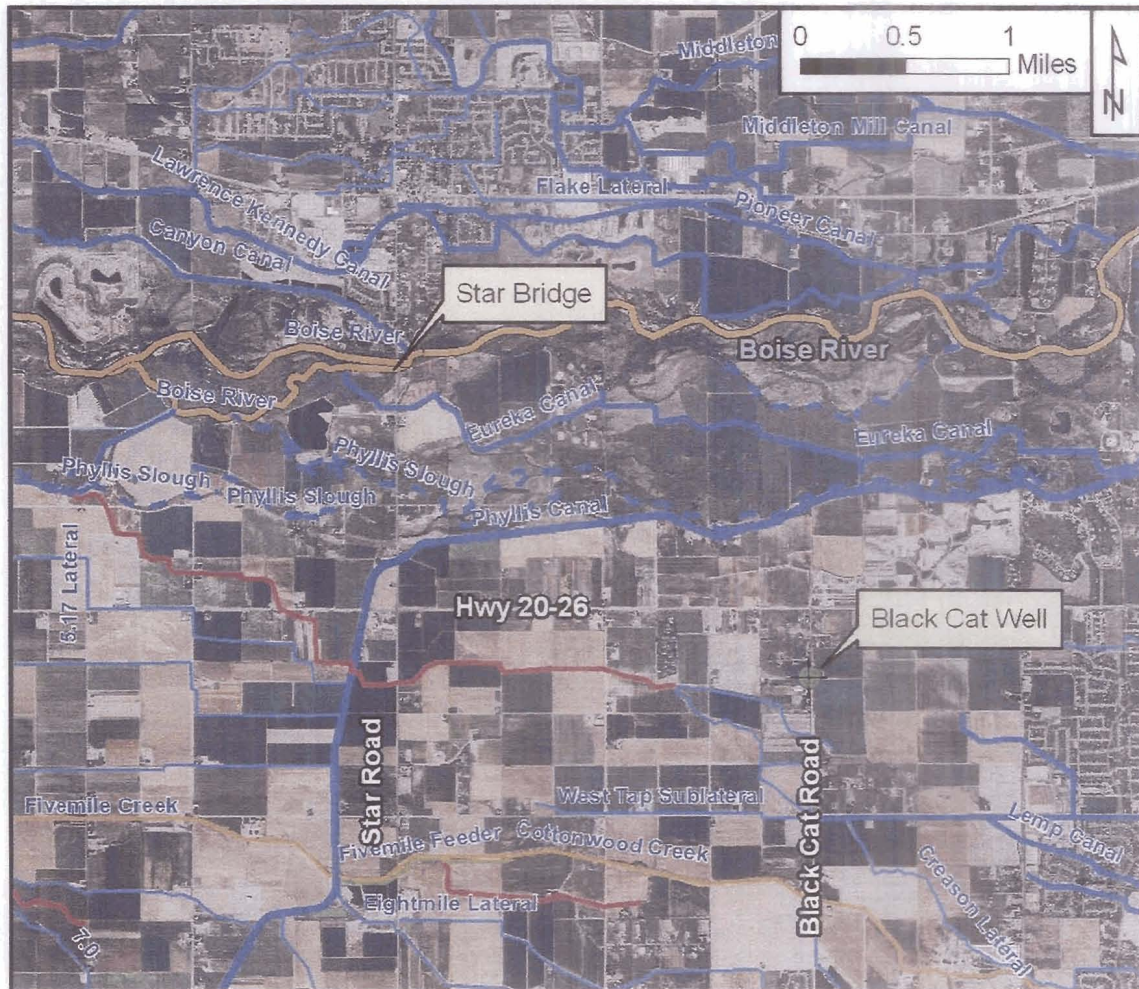


Figure 4. Surface channels in the general vicinity of the Black Cat Well.

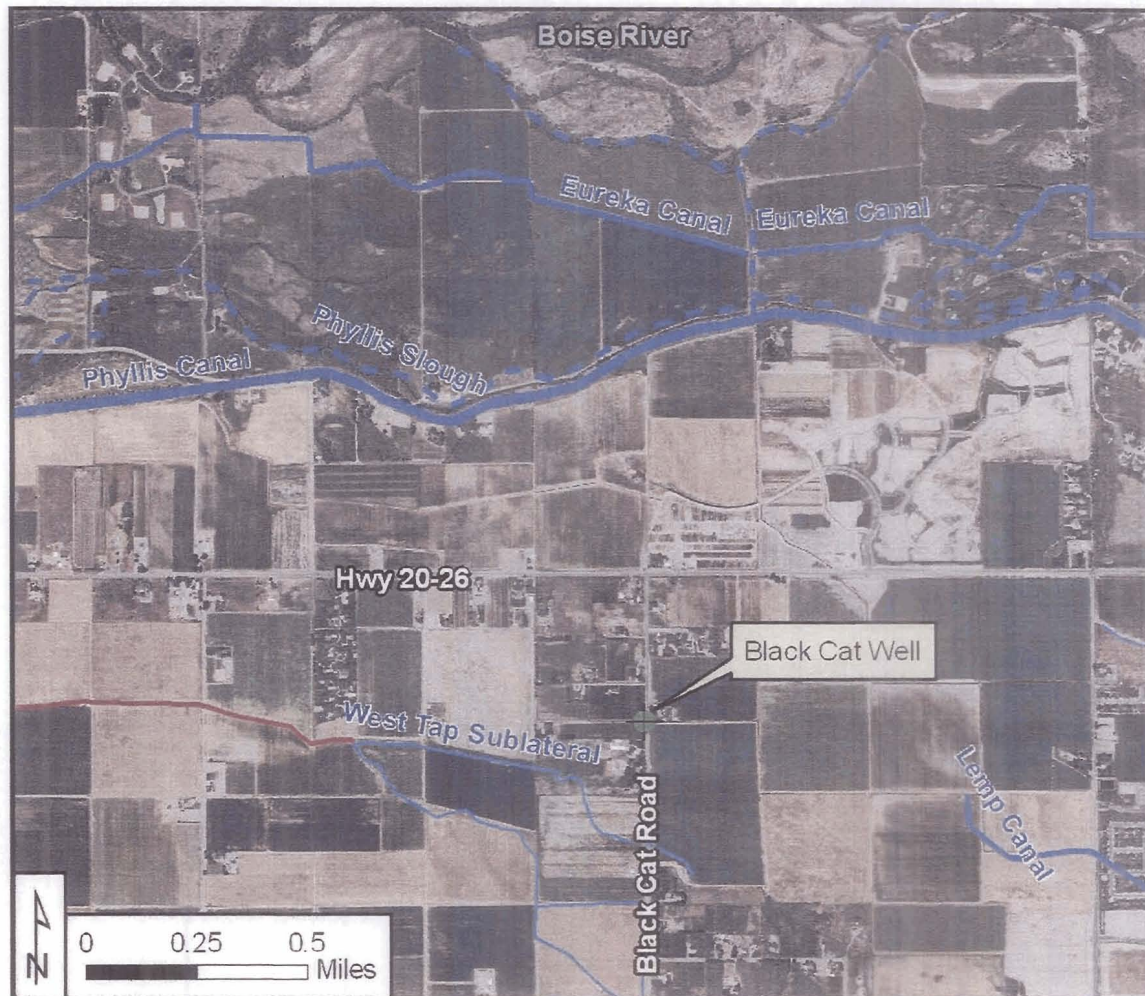


Figure 5. Surface channels near the Black Cat Well.

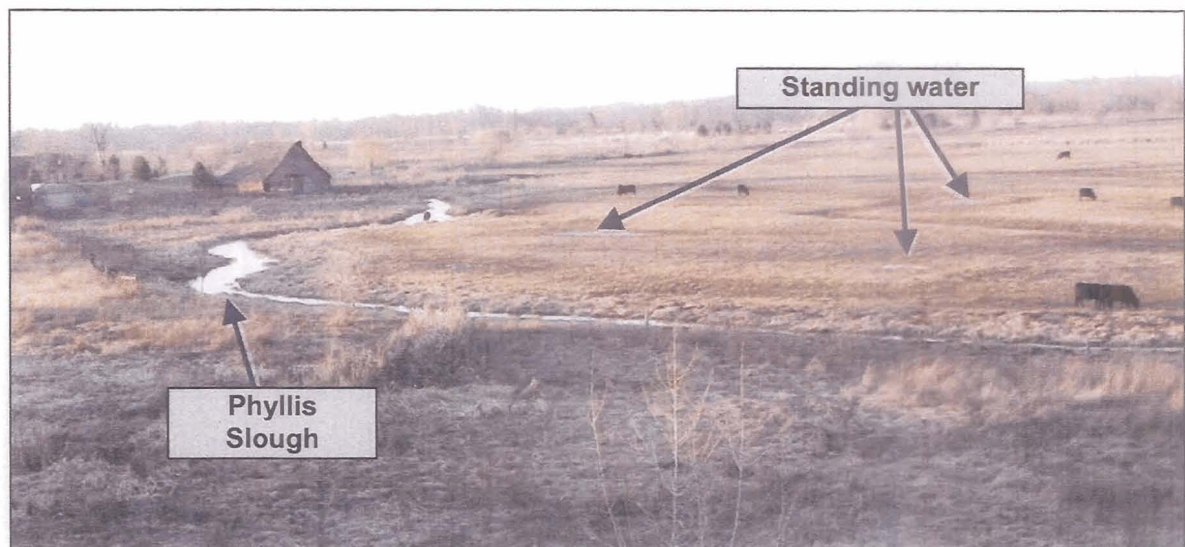


Figure 6. Phyllis Slough (looking northwest from the Phyllis Canal near Pollard Lane; photo taken January 25, 2011).

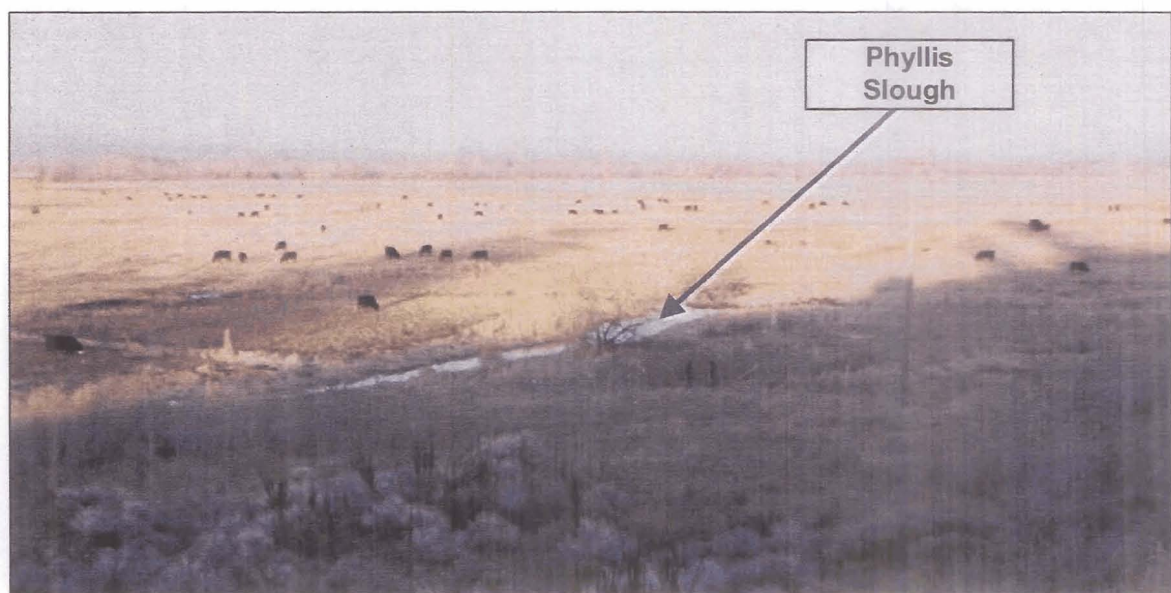


Figure 7. Phyllis Slough (looking northeast from the Phyllis Canal near Pollard Lane; photo taken January 25, 2011).

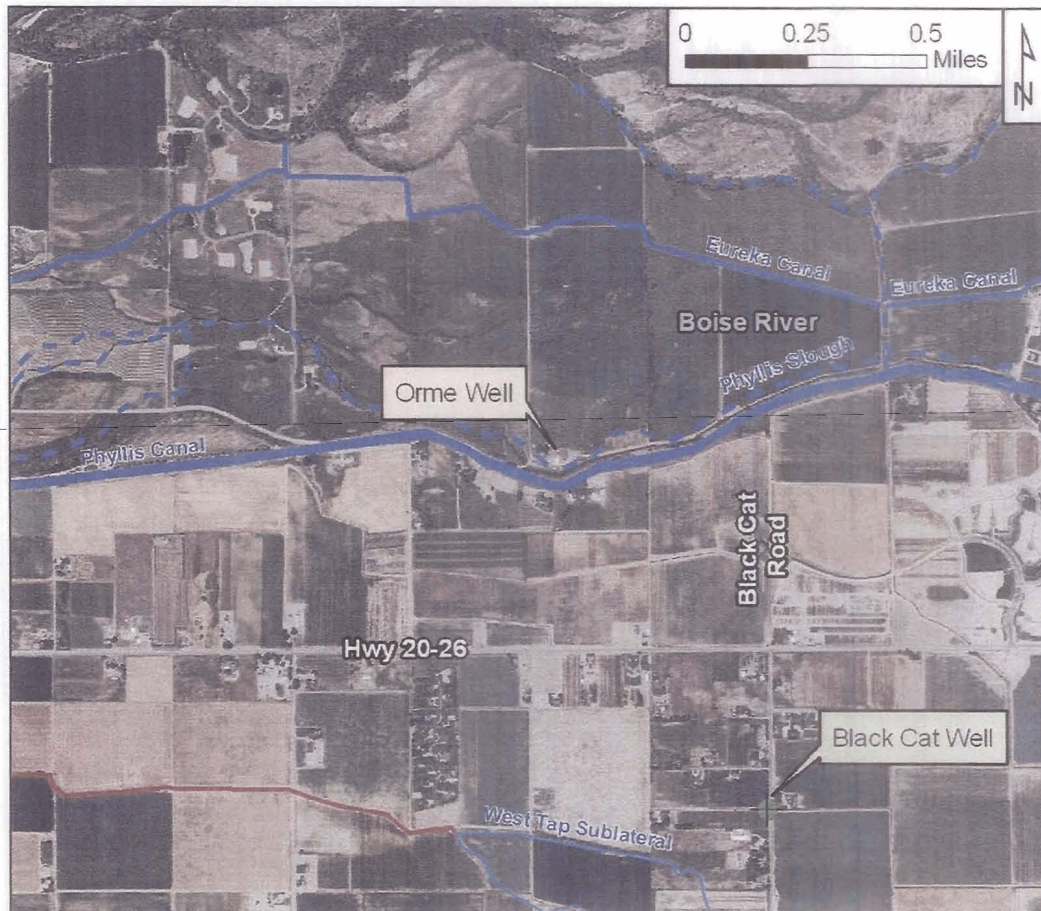


Figure 8. Approximate location of the Orme Well.

References

- Bond, J.G. and Wood, C.H., 1978. Geologic map of Idaho. Idaho Department of Lands, Bureau of Mines and Geology, 1:500,000 scale.
- Iakisch, J.R., 1931. Report on Drainage, Pioneer Irrigation District, Boise Project (April 6, 1931).
- Lindholm, G.F., Garbedian, S.P., Newton, G.D. and Whitehead, R.L., 1988. 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., U.S. Geologic Survey Hydrologic Investigations.
- Nace, R.L., West, W.W. and Mower, R.W., 1957. Feasibility of Ground-Water Features of the Alternate Plan for the Mountain Home Project, Idaho, U.S. Geological Survey Water-Supply Paper 1976.
- Othberg, K.L., 1994. Geology and geomorphology of the Boise Valley and adjoining areas, western Snake River Plain, Idaho. Idaho Geological Survey Bulletin 29: 54 pp.
- Petrich, C. and Urban, S., 2004. Characterization of Ground Water Flow in the Lower Boise River Basin, Idaho Water Resources Research Institute and the Idaho Department of Water Resources, Research Report IWRI-2004-01.
- Thomas, C.A. and Dion, N.P., 1974. Characteristics of streamflow and ground-water conditions in the Boise River Valley, Idaho. U.S. Geological Survey Water Resources Investigations 38-74: 56 pp.
- Wood, S.H. and Clemens, D.M., 2004. Geologic and tectonic history of the western Snake River Plain, Idaho and Oregon. In: B. Bonnicksen, C.M. White and M. McCurry (Editors), Tectonic and Magmatic Evolution of the Snake River Plain Volcanic Province: Idaho Geologic Survey Bulletin 30, p. E9-103.

ATTACHMENT A:
Application Report 63-31980

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report

1/29/2011

WATER RIGHT NO. 63-31980

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SETTLERS IRRIGATION DISTRICT PO BOX 7571 BOISE, ID 83707 (208)344-2471
Attorney	MOFFATT THOMAS BARRETT ROCK & FIELD CHTD C/O SCOTT L CAMPBELL PO BOX 829 BOISE, ID 83701-0829 (208) 345-2000

Priority Date: 08/09/2004

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.56 CFS	
Total Diversion			0.56 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SENE|Sec. 28|Township 04N|Range 01W|ADA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	01W	20		SWSE	18.1		SESE	37.4						
		21		NWSW	26.8		SWSW	38.9		SESW	38.3			
				SWSE	37.8									
		28		NENE	12.9		NWNE	37.7		SWNE	39.6		SENE	5.7
				NENW	38.6		NWNW	30.5		SWNW	10		SENW	28.4
				NWSE	7.9									

Total Acres: 408.6

Dates:

Date Application Received: 08/09/2004

Date Application Denied:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date: 9/20/2004

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Application Type: New Appropriation

Applicant Remarks: Make up of water rights for permit 63-11185; pre-1987 development. Water bearing zone is 15 to 88 ft.

Other Water Rights:

Time to Complete Works: 1

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

ATTACHMENT B:
Black Cat Well Log

WELL LOG AND REPORT TO THE STATE RECLAMATION ENGINEER OF IDAHO

Log No. _____
Rec. _____, 19____
Well No. _____
Permit No. 004741

(DO NOT FILL IN)

Owner Settler's Irrigation Dist. Address Meridian, Idaho
Driller F. Veach Address Meridian Lic. No. 41
Location of Well: 7th S.E. 1/4 1/4 Sec. 28, T. 4 N/S, R. 1 E/W Ada County,
and _____ feet N/S, and _____ feet E/W from _____ Corner of _____ 1/4 Sec.
Size of Drilled Hole 16" Total depth of Well 107'
Give depth of standing water from surface 8" Water Temp. _____ °Fahrenheit
On pumping test delivery was 520 ^{air compressed} g.p.m. or _____ c.f.s. Drawdown was 12 feet.
Size of pump and motor used to make the test Compressor 315'
Length of time pumped during check was 5 hr., _____ minutes.
If flowing well, give flow in c.f.s. _____ or g.p.m. _____ and shut in pressure _____
If flowing well, describe control works _____ (TYPE AND SIZE OF VALVE, ETC.)
Water will be used for irrigation Weight of casing per linear foot 50
Thickness of casing 5/16 Casing material _____ E.G., PIPE, CONCRETE, WOOD.
Diameter, length and location of casing 16" 107' 1-107
(CASING 12" IN DIAMETER AND UNDER GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER GIVE OUTSIDE DIAMETER.)
Number and size of perforations 2 feet 1/2 x 4 in. located 1 feet to 107 feet
from surface of ground.
Other perforations _____
Date of commencement of well April 11, '63 Date of completion of well June 14, '63
Type of well rig Star T'

CASING RECORD

DIAM. CASING	FROM FEET	TO FEET	LENGTH	REMARKS -- SEALS, GROUTING, ETC.

GENERAL INFORMATION—Pumping Test, Quality of Water, Etc.

drilled 8" hole to feed gravel in well.
57' feet of pipe - drilled to 100'

N² SENE S. 28 4N 1W

WELL LOG

[illegible]

WELL DRILLER'S STATEMENT

This well was drilled under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

Signed Frances Kerach

By _____

Dated July 1 19 63 License No. 41

License No. 41

ATTACHMENT C:
Selected Drillers Reports

Form 238-7
1/94IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUse Typewriter
or
Ball Point Pen

63110

1. DRILLING PERMIT NO. 63-95-W-0124-000
Other IDWR No. _____

2. OWNER:

Name KIRBY ORME
Address 5590 W. JOPLIN
City MERIDIAN State ID Zip 83642

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location

N		Twp. <u>4</u> North ☒ or South ☐	
E		Rge. <u>1</u> East ☐ or West ☐	
S		Sec. <u>21</u> NE ☐ SE ☐	
W		Govt Lot _____ County <u>ADA</u>	

Address of Well Site _____
5590 JOPLIN ROAD City MERIDIAN

Lt. _____ Blk. _____ Sub. 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	From	To	AMOUNT Sacks or Pounds	METHOD
CEM. & BENT	0	18	12	OVERBORE

Was drive shoe used? ☒ YES ☐ NOWas drive shoe seal tested? ☒ YES ☐ NO How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Inner	Washed	Threaded
6"	41 1/2'	53'	250	STEEL	☒	☐	☒	☐

Length of Headpipe 9' Length of Tailpipe 13'

9. PERFORATIONS/SCREENS

☐ Perforations Method _____
☒ Screens Screen type TELESCOPING

From	To	Slot Size	Aperture	Diameter	Material	Casing	Inner
60	70	20	5"	ST	ST	☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

FLO _____ ft. below ground Artesian pressure 2.3 lb.
Depth flow encountered 56' ft. Describe access port or
control devices: VALVE

11. WELL TESTS:

Yield gal/min.	Drawdown	Pumping Level	Time
100	18'	20'	2HR
120	18'	20'	14 hrs

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

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

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
9"	0	2	BRN TOPSOIL	NO	
9"	2	4	BRN CLAY	NO	
9"	4	14	BRN SAND & GRAVEL	YES	
9"	14	16	BRN SANDY CLAY	NO	
9"	16	18	LT BRN SAND	YES	
6"	18	22	LT BRN SAND	YES	
6"	22	47	BRN SANDY CLAY/STR. SAND	NO	
6"	47	56	LT BRN CLAY	NO	
6"	56	72	LT BRN SAND	YES	
6"	72	83	BRN CLAY	NO	

SEAL HAS 2 SACKS BENTONITE & 10
SACKS CONCRETE

FLOWS 15 GAL. PER MIN.

RECEIVED

MAR 2 2 1995

WATER RESOURCES
WESTERN REGION

RECEIVED

DEC 0 7 1993

Department of Water Resources

Completed Depth 81' FROM TOP OF CASING (Measurable)
Date Started 3/6/95 Completed 3/10/95

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at
the time the rig was removed.Firm Name S.O.S. WELLD RILLING Firm No 12Firm Official Frank Schum Date 3-20-95and
Supervisor or Operator Sam Kuyper Date 3-14-95

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

Form 238-7
992STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Dan McMillan</u> Address <u>5220 W. Chinden Blvd. Tel</u> Drilling Permit No. <u>63-92-W-660-888</u> Water Right Permit No. _____	7. WATER LEVEL Static water level <u>20</u> 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 aquifer 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 ☐ Bailor ☒ Air ☐ Other _____ <table border="1"> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> <tr> <td><u>50</u></td> <td></td> <td><u>1</u></td> </tr> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	<u>50</u>		<u>1</u>																																																																																																																						
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3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Monitor ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG <u>082221</u> <table border="1"> <thead> <tr> <th rowspan="2">Bore Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th colspan="2">Water</th> </tr> <tr> <th>From</th> <th>To</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr><td>6</td><td>0</td><td>3</td><td>Top Soil</td><td></td><td></td></tr> <tr><td></td><td>3</td><td>12</td><td>Gravel</td><td></td><td></td></tr> <tr><td></td><td>12</td><td>41</td><td>Sand & clay</td><td></td><td></td></tr> <tr><td></td><td>41</td><td>58</td><td>Clay</td><td></td><td></td></tr> <tr><td></td><td>58</td><td>70</td><td>Sand</td><td></td><td></td></tr> <tr><td></td><td>70</td><td>90</td><td>Sandy clay</td><td></td><td></td></tr> <tr><td></td><td>90</td><td>95</td><td>Fine sand</td><td></td><td></td></tr> <tr><td></td><td>95</td><td>105</td><td>Clay</td><td></td><td></td></tr> <tr><td></td><td>105</td><td>112</td><td>Sandy clay</td><td></td><td></td></tr> <tr><td></td><td>112</td><td>151</td><td>Sand</td><td></td><td></td></tr> <tr><td></td><td>151</td><td>158</td><td>Clay</td><td></td><td></td></tr> <tr><td></td><td>158</td><td>200</td><td>Sand & clay streaks</td><td></td><td></td></tr> <tr><td></td><td>200</td><td>216</td><td>Clay</td><td></td><td></td></tr> <tr><td></td><td>216</td><td>221</td><td>Sand</td><td></td><td></td></tr> <tr><td></td><td>221</td><td>227</td><td>Clay</td><td></td><td></td></tr> <tr><td></td><td>227</td><td>236</td><td>Clay</td><td></td><td></td></tr> <tr><td></td><td>236</td><td>238</td><td>Sand</td><td></td><td></td></tr> <tr><td></td><td>238</td><td>239</td><td>Clay</td><td></td><td></td></tr> <tr><td></td><td>239</td><td>243</td><td>Sand</td><td></td><td></td></tr> </tbody> </table>	Bore Diam.	Depth		Material	Water		From	To	Yes	No	6	0	3	Top Soil				3	12	Gravel				12	41	Sand & clay				41	58	Clay				58	70	Sand				70	90	Sandy clay				90	95	Fine sand				95	105	Clay				105	112	Sandy clay				112	151	Sand				151	158	Clay				158	200	Sand & clay streaks				200	216	Clay				216	221	Sand				221	227	Clay				227	236	Clay				236	238	Sand				238	239	Clay				239	243	Sand		
Bore Diam.	Depth		Material	Water																																																																																																																									
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4. METHOD DRILLED ☒ Rotary ☒ Air ☐ Auger ☐ Reverse rotary ☒ Cable ☐ Mud ☐ Other _____ (backhoe, hydraulic, etc.)	RECEIVED OCT 8 1992 Department of Water Resources RECEIVED SEP 11 1992 Department of Water Resources Western Regional Office																																																																																																																												
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr><td>250 inches</td><td>6 inches</td><td>1</td><td>236 feet</td></tr> <tr><td>251 inches</td><td>5 inches</td><td>231</td><td>256 feet</td></tr> <tr><td>252 inches</td><td>5 inches</td><td>241</td><td>243 feet</td></tr> </tbody> </table> 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 <table border="1"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td></tr> </tbody> </table> Well screen installed? ☒ Yes ☐ No Manufacturer <u>Hawley</u> Type <u>304</u> Top Packer or Headpipe <u>4 1/2"</u> Bottom of Tailpipe <u>2'</u> Diameter <u>5</u> Slot size <u>20</u> Set from <u>236</u> feet to <u>241</u> feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>8</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Pudding clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☐ Tamp, surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between struts Describe access port: <u>Well by metal plate</u>	Thickness	Diameter	From	To	250 inches	6 inches	1	236 feet	251 inches	5 inches	231	256 feet	252 inches	5 inches	241	243 feet	Number	From	To	_____	_____	_____	_____	_____	_____	_____	_____	_____	10. Work started <u>8-14-92</u> finished <u>8-22-92</u>																																																																																																
Thickness	Diameter	From	To																																																																																																																										
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6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name _____ Lot No. _____ Block No. _____ County <u>Ada</u> Address of Well Site <u>5220 W. Chinden</u> (give at least name of road) T <u>4</u> N ☒ or S ☐ SE ☐ or SW ☐ Sec. <u>21</u> R. <u>1</u> 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 <u>Dennis Phipps</u> Firm No. <u>332</u> Address <u>Phoenicia Tel</u> Date <u>9-1-92</u> Signed by Drilling Supervisor <u>[Signature]</u> and _____ (Operator) <u>[Signature]</u> (if different than the Drilling Supervisor)																																																																																																																												

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

Form 216-7
11-97IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

1. WELL TAG NO. D 000000
 UNLIDING PERMIT NO.
 OTHER DWR NO.
 2. OWNER: Ben Carlson
 Name: Ben Carlson
 Address: 7900 S. 400 E.
 City: Meridian ID 83442

3. LOCATION OF WELL by legal description:
 Search map location must agree with annex location

Tab 1	North	East	South
Page 1	East	West	West
Sec 20	W 1/4	SE 1/4	SW 1/4
Dist. 101	Dist. 101	Dist. 101	Dist. 101
Lat. 43°	Lat. 43°	Lat. 43°	Lat. 43°
Address of Well Site: Same as above			
City: Meridian			

4. USE:
☒ Domestic ☐ Municipal ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Research ☐ Other
 5. TYPE OF WORK check all that apply: ☒ New well ☐ Modify ☐ Abandonment ☐ Redesign/Rel.
 6. DRILL METHOD: ☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

SEALED PROCEDURES		MATERIALS		METHODS	
Sealant	0	Sealant	20	Sealant	15
Sealing clay		Sealing clay		Sealing clay	

Has one side used? ☒ No ☐ Yes ☐ No ☐ Yes
 Has other side used? ☒ No ☐ Yes ☐ No ☐ Yes

CASING LINER		MATERIALS		METHODS	
Casing	42	Casing	250	Casing	15
Casing		Casing		Casing	

Length of Headline: 10' Length of Tailpipe: 15'

PERFORATIONS-SCREENS		MATERIALS		METHODS	
Perforations	15	Perforations	250	Perforations	15
Perforations		Perforations		Perforations	

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
 Depth from ground: 15' Artesian pressure: 15'
 Depth from encountered: 15' Describe access point or control devices: well cap

11. WELL TESTS:

Flow Rate	Pressure	Flow Rate	Pressure
20	20	130	130

Water Temp: 65° Casing Temp: 65°
 Water Quality Test or Comments: Good

12. LITHOLOGIC LOG: (Describe depths or abandonment)

Depth	Material	Remarks	Water Quality	Temperature
10'	overburden			
10'	gravel			
10'	tan clay			
10'	tan clay			
10'	gravel			
10'	tan clay (sandy)			
10'	hard fine brown			
10'	tan clay			
10'	hard			

RECEIVED	
AUG 15 2001	
WATER RESOURCES	
WESTERN REGION	
RECEIVED	
AUG 05 2001	
WATER RESOURCES	
WESTERN REGION	
Completed	Depth
Date: 07/12/2000	150
Completed	07/20/2000

13. DRILLER'S CERTIFICATION

I hereby certify that all materials and construction standards were observed and all work was done in accordance with the rules and regulations of the Idaho Department of Water Resources.
 Company Name: M. L. Holder Drilling
 Date: 7/20/2000
 Driller's Signature: [Signature]
 Date of Completion: 7/20/2000

FORWARD WHITE COPY TO: WATER RESOURCES

Form 238-7
11/97IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

767490

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

1. WELL TAG NO. D 0015696
 DRILLING PERMIT NO. _____
 Other IDWR No. _____

2. OWNER: Dave & Robin Hayes
 Name _____
 Address 5100 N. Star Rd.
 City Star State Id Zip 83369

3. LOCATION OF WELL by legal description:
 Sketch map location must agree with written location.

N		Twp <u>4</u>		North ☒ or South ☐	
E		Hgt. <u>1</u>		East ☐ or West ☒	
S		Sec. <u>21</u>		NE ☐ NW ☒ SE ☐ SW ☐	
W		Govt. Lot _____		County <u>Ada</u>	
		Lat _____		Long _____	
		Address of Well Site <u>7100 N. Pallard Lane</u>		City <u>Star</u>	

Li. _____ Blk. _____ Sub. Name _____

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Bentonite	0	20	500 [#]	overbore

Was drive shoe used? ☒ N ☐ Shoe Depth(s) 159'
 Was drive shoe seal tested? ☒ N ☐ How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Loose	Welded	Extended
6"	12	159	250	Steel	X		X	

Length of Headpipe 10' Length of Tailpipe _____

9. PERFORATIONS/SCREENS

Perforations Method _____
 Screens Screen Type Johnson

From	To	Net Sec	Number	Diameter	Material	Casing	Loose
162	167	1225		5"	SS		

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

24' ft. below ground Artesian pressure _____ lb.
 Depth flow encountered _____ ft. Describe access port or control devices: well cap

11. WELL TESTS:

Yield	Drawdown	Flowing Level	Time
100			1 hour

Water Temp. 55° Bonnet hole temp. _____
 Water Quality test or comments: Iron 5 PH 7.5
Grains 3 Depth first Water Encounter 160'

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

From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
0	5	top soil		
5	20	sand & gravel		
20	25	sand & gravel		
25	33	sandy clay		
33	45	clay		
45	49	sand		
49	53	clay		
53	55	sandy clay		
55	60	clay		
60	70	sand & clay layers	X	
70	82	sand & clay layers		
82	85	brown clay		
85	87	sand & clay layers	X	
87	103	sand & clay layers	X	
103	106	brown clay		
106	107	clay		
107	110	sand	X	
110	113	clay		
113	124	sand & clay layers	X	
124	136	tan clay & sand layers		
136	145	clay w/ sand streaks	X	
145	146	clay		
146	150	sand & clay	X	
150	159	clay		
159	167	sand	X	

RECEIVED

RECEIVED

NOV 24 2000

NOV 30 2000

WATER RESOURCES

WESTERN REGION

Department of Water Resources

Completed Depth 167 (Measurable)
 Date: Started 11.16.00 Completed 11.20.00

13. DRILLER'S CERTIFICATION

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

Company Name Adams Pump & Drilling 0457

Firm Official Dave Adams Date 11.21.00

and
 Driller or Operator Dave Adams Date 11.21.00

(Sign twice if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

ATTENTION - YUWNA STONE

**IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT**

Use Typewriter or Ballpoint Pen

62721

Office Use Only

Inspected by _____

Twp _____ Rge _____ Sec _____

1/4 1/4 1/4

Lat _____ Long _____

X Air _____ Flowing Artesian _____

1. DRILLING PERMIT NO. 63.95W.0914.000

Other IDWR No. _____

2. OWNER:

Name LONNIE KUENZLI

Address 6210 LEUI LANE

City MERIDIAN State ID. Zip 83642

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N				S	
		X			

Twp. 4 North ☒ or South ☐
 Egs. 28 East ☐ or West ☒
 Sec. 28 1/4 SW 1/4 NE 1/4
 Gov't Lot _____ County ADA State ID
 Lat. _____ Long. _____
 Address of Well Site 6210 LEUI LANE
 City MERIDIAN

LT _____ BLK _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation

☐ Thermal ☐ Injection ☐ Other _____

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

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Sacks or Barrels	Feet	
BENTONITE	0	20	200 #		

Was drive shoe used? ☒ YES ☐ NO Shoe Depth(s) _____

Was drive shoe seal tested? ☐ YES ☐ NO How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Inner	Welded	Inverted
6	+3	77	2P	STEEL	X			

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____

☐ Screens Screen Type _____

Pitch	To	SB Size	Number	Diameter	Material	Casing	Inner

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

10 ft. below ground Artesian pressure _____ lb.

Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:

☐ Pump ☐ Bailor

Yield gpm	Drawdown	Rising Level	Time
20 GPM			

Water Temp _____

Bottom hole temp _____

Water Quality test or comments: _____

Depth first Water Encountered _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Down Zls	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
0	6	22	TOP SOIL/HARD PAN		X
6	22	35	SAND / GRAVEL	X	
6	22	35	SAND / GRAVEL	X	
	35	43	CLAY		X
	43	47	SANDY CLAY		X
	47	73	SAND	X	
	73	85	HARD CLAY		X
	85	90	SANDY JOINT CLAY		X
	90	94	SAND / SHALE / JOINT CLAY	X	

FORWARD WHITE COPY TO WATER RESOURCES

Form 230-7
11/97776729
IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT1. WELL TAG NO. D 19954
DRILLING PERMIT NO. _____
Other IDWR No. _____2. OWNER:
Name Doug CARAHAN
Address 4416 W. Chinden Blvd.
City Meridian State ID Zip 83642

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

Twp. <u>4</u>	North ☒ or South ☐
Rge. <u>1</u>	East ☐ or West ☒
Sec. <u>28</u>	NE ☐ SE ☒ SW ☐ NW ☐
County <u>Ada</u>	City <u>Meridian</u>

Address of Well Site 5335 Bluecat
City Meridian

L. _____ S. _____ Sub Name _____

4. USE:
☒ Domestic ☐ Municipal ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other6. DRILL METHOD
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES

SEAL-PLUG PACK	AMOUNT	METHOD
Material	From To Sacks or Pounds	
<u>Bentonite</u>	<u>0</u> <u>18</u> <u>700</u>	<u>overdone</u>

Was drive shoe used? ☒ N ☐ S (See Depth(s))Was drive shoe seal tested? ☒ N ☐ Flow?

8. CASING/LINER:

Depth	From	To	Size	Material	Casing	Used	Threaded
<u>6</u>	<u>1</u>	<u>199</u>	<u>250</u>	<u>Steel</u>	☒	☒	☒
<u>5</u>	<u>192</u>	<u>197</u>	<u>250</u>	<u>Steel</u>	☒	☒	☒
<u>5</u>	<u>207</u>	<u>210</u>	<u>250</u>	<u>Steel</u>	☒	☒	☒

Length of Headpipe 5' Length of Tailpipe 2' 7"

9. PERFORATIONS/SCREENS

Perforations Method Blow Down
Screen Type 3/8" Screen loss

From	To	Slot Size	Number	Diameter	Material	Casing	Used
<u>197</u>	<u>207</u>	<u>101"</u>	<u>5</u>	<u>5.5</u>		☒	☒

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

12 ft. below ground Artesian pressure lb.
Depth flow encountered ft. Describe access port or control devices: Well Seal

FORWARD WHITE COPY TO WATER RESOURCES

Office Use Only
Inspected by _____
Twp. _____ Rge. _____ Sec. _____
Lat. _____ Long. _____
☒ Pump ☒ Bailer ☒ Flowing Artesian

11. WELL TESTS:

Water Temp	Water Quality	Water Level	Water
<u>50</u>			<u>1</u>

Water Temp _____ Bottom hole temp _____

Water Quality test or comments _____

Just in test Water Enclosure

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

From	To	Remarks, Lithology, Water Quality & Temperature	Y	N
<u>0</u>	<u>2</u>	<u>Top Soil</u>	☒	☒
<u>2</u>	<u>8</u>	<u>Clay</u>	☒	☒
<u>8</u>	<u>18</u>	<u>Gravel</u>	☒	☒
<u>18</u>	<u>26</u>	<u>Gravel</u>	☒	☒
<u>26</u>	<u>31</u>	<u>Sandy brown clay</u>	☒	☒
<u>31</u>	<u>70</u>	<u>Clay - SAND streaks</u>	☒	☒
<u>70</u>	<u>114</u>	<u>SAND</u>	☒	☒
<u>114</u>	<u>128</u>	<u>SAND - Clay streaks</u>	☒	☒
<u>128</u>	<u>137</u>	<u>Red SAND</u>	☒	☒
<u>137</u>	<u>141</u>	<u>Sandy Clay</u>	☒	☒
<u>141</u>	<u>148</u>	<u>Red SAND</u>	☒	☒
<u>148</u>	<u>150</u>	<u>Sandy Clay</u>	☒	☒
<u>150</u>	<u>176</u>	<u>Red SAND</u>	☒	☒
<u>176</u>	<u>198</u>	<u>SAND/clay streaks</u>	☒	☒
<u>198</u>	<u>210</u>	<u>White Fine SAND</u>	☒	☒

RECEIVED

SCANNED

JUN 10 2002

WATER RESOURCES

WESTERN REGION

Completed Depth 210 (Measurable)
Date Started 5-2-02 Completed 5-7-02

13. DRILLER'S CERTIFICATION

We certify that all mining well construction standards were complied with at the time of drilling.

F. J. BENTLEY AVE.
MERIDIAN, IDAHO 83642Company Name _____ Firm No 932Firm Official [Signature] Date 5-15-02

and _____

Driller or Operator [Signature] Date 5-15-02

(Signatures of Official & Operator)

Form 238-7
1/94 ✓IDaho DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter
or
Ball Point Pen

58383

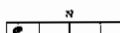
1. DRILLING PERMIT NO. 63-94-W-0546-000
Other IDWR No. _____

Other IDWR No. _____

2. OWNER:
Name CAPITAL SECURITIES CORP
Address 4685 W RAMBLING CT.
City MERIDIAN State ID Zip 83642

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.


 Twp. 4 North ☒ or South ☐
 Rgo. 1 East ☐ or West ☒
 Soc. 27
 Gov't Lot _____ County 10 sec 14 NW 14 NW 14
10 sec 14 14 sec 14

Address of Well SNo 4411 SA of CHANDEN
AN BUCKEAT Rd. City MERIDIAN

LI. 5 Blk. 1 Sub. Name BAMBA ESTATES

4. PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Immigration
☐ 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	
CEMENTITE	0	14	150 lbs	OVERDRILL

Was drive shoe used? ☒ YES ☐ NO

Was drive shoe seal tested? Y ☐ N ☒ How?

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Gauge	Time	Welded	Theraput
6	0	1.73	25	STEEL	20	1	1	1
					21	0	1	1
					22	0	1	1

Length of Headpipe 5' Length of Tailpipe 2'

9. PERFORATIONS/SCREENS

☐ Performances Method

☒ Screens Screen Type **SYNLESS**

From	To	Shot Size	Number	Diameter	Material	Calib	Lead
174	179	.20		5"	S&W		X

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

Depth flow encountered 170 ft. Describe access port or control devices:

11. WELL TESTS:

☐ Pump ☒ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./hr.	Drawdown	Discharge, cfs	Time
42	62'	28'	1 Hr.

Water Temp. 53° Bottom Water Temp. 53.6

Water Quality Test or comments: Good

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Blot Tha	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
	8	0	2	TOP SOIL	
		2	4	HARD PAN	
		4	18	SAND & GRAVEL	
6	18	34	SAND & GRAVEL		
	34	50	SAND		
	50	57	SANDY CLAY		
	57	61	SAND		
	61	66	SANDY CLAY		
	66	92	SAND		
	92	98	TAUN CLAY		
	98	102	SAND		
	102	111	SANDY CLAY		
	111	114	SAND		
	114	126	TAUN CLAY		
	126	130	SAND (FINE)		
	130	146	TAUN CLAY		
	146	152	BROWN CLAY		
	152	156	FINE SAND		
	156	160	SANDY CLAY		
	160	171	BROWN CLAY		
	171	180	SAND		
	180		TAUN CLAY		
				RECEIVED SEP 16 1994 WATER RESOURCES WESTERN REGION	
PROF-10-11 JAN 13 1995 JUN 25 1995					
Completed Depth			180 FEET	(Measureable)	
Date Started			6-22-94	Completed 8-12-94	

13. DRILLER'S CERTIFICATION

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

Firm Name COONSE WELL DRILLING Firm No. 406

Firm Official James E. Coarse Date 8-17-94

and

Supervisor or Operator _____ Date _____

(Sogni e sogni di Fern Gillette & J. J. M. M. M.)

FORWARD WHITE COPY TO WATER RESOURCES

Form 238-7
11/97

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

770788

Office Use Only
Inspected by _____
Type _____ Rgs. _____ Sec. _____
Lat. _____ Long. _____
Flowing Artesian _____

1. WELL TAG NO. D. 0018891
DRILLING PERMIT NO. _____
Other IDWR No. _____
2. OWNER: Brad Janicek
Name _____
Address 181 E. Commercial
City Leicester State ID Zip 83672

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

Section _____ Township 4 North ☒ or South ☐
Range 1 East ☐ or West ☒
Section 27 NE ☒ NW ☒
Gov't Lot _____ County Ada
City Meridian
Address of Well Site 4325 W. Chinden

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL-PROF. PACK	AMOUNT	METHOD
Material _____ From _____ To _____	Shut or Pounds _____	
<u>Deep Core Seal 0 18</u>	<u>350 lb</u>	<u>Overbore</u>
<u>Well Casing</u>		

Was drive shoe used? ☒ N ☐ S ☐ How? 100
Was drive shoe seal tested? ☒ N ☐ How? _____

8. CASING/LINER:

Diameter	From	To	Depth	Material	Casing	Lines	Welded	Threads
<u>6</u>	<u>1</u>	<u>100</u>	<u>1/4</u>	<u>Steel</u>	☒	☐	☒	☐

Length of Headpipe 8 Length of Tailpipe 0

9. PERFORATIONS/SCREENS

From	To	Slot Size	Number	Diameter	Material	Casing	Lines
<u>101</u>	<u>106</u>	<u>1/2</u>	<u>5</u>	<u>SS</u>	<u>Screen</u>	☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

24 ft. below ground Artesian pressure lb.
Depth flow encountered _____ ft. Gas escape access port or control devices: Sanitary Well Cap

11. WELL TESTS:

Pump	Bailer	Flowing	Artesian
☒	☐	☐	☐
Flow rate _____	Drawdown _____	Pumping rate _____	Time _____
<u>80</u>	<u>NH</u>	<u>80</u>	<u>15 Min</u>
<u>50</u>	<u>NH</u>	<u>60</u>	<u>15 Min</u>

Water Temp. 59° Bottom hole temp. NH
Water Quality test or comments: Clear

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore	From	To	Remarks: Lithology, Water Quality & Temperature	Water
<u>10</u>	<u>0</u>	<u>2</u>	<u>Sgt</u>	☒
<u>10</u>	<u>2</u>	<u>4</u>	<u>Hardpan</u>	☒
<u>10</u>	<u>4</u>	<u>18</u>	<u>Gravel</u>	☒
<u>6</u>	<u>18</u>	<u>43</u>	<u>Gravel</u>	☒
<u>6</u>	<u>43</u>	<u>48</u>	<u>Brn Clay</u>	☒
<u>6</u>	<u>48</u>	<u>71</u>	<u>Sandy Brn Clay</u>	☒
<u>6</u>	<u>71</u>	<u>73</u>	<u>Line Sand</u>	☒
<u>6</u>	<u>73</u>	<u>98</u>	<u>Brn Clay</u>	☒
<u>6</u>	<u>98</u>	<u>106</u>	<u>Med Sand</u>	☒

RECEIVED

SEP 06 2001

WATER RESOURCES
WESTERN REGION

Completed _____ Depth 106
Date: Started 8/29/01 Completed 8/30/01

13. DRILLER'S CERTIFICATION

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

Company Name Domestic Pump & Drill Firm No. 483

Firm Official _____ Date _____

and _____ Date 9/2/01

Driller or Operator _____ Date _____

FORWARD WHITE COPY TO WATER RESOURCES

MEMORANDUM

Type: In Office Conversation

Telephone

Meeting Notes

Follow-up

Log of Events

Other _____

To: File 63-31980, Sattlers

From: J. Westra, Western Reg.

Date: 7/15/10

RE: Application for processing / Status / history

7/15/10 Andy Walden. 345-2000 Moffatt.

JFW

Discussed options for application

SRBA late claim

Process information not trib to Boise River.

Recapture 42-228

63-11185 - sister WR. - Deceased. -



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

December 15, 2010

Settlers Irrigation District
Andrew J. Waldera
Moffatt Thomas Barrett Rock & Fields Chtd.
101 S Capitol Blvd 10th fl
PO Box 829
Boise ID 83701

RE: Application for Permit #63-31980

Dear Mr. Waldera:

This letter will serve as an acknowledgement for the receipt of your December 14, 2010 letter. Your response was received timely prior to the deadline, and the plan of action proposed is acceptable. Our agency will look forward to Mr. King's analysis.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'John Westra', is written over the typed name.

John Westra, Manager

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

John W. Barrett	Christine E. Nicholas	Andrew J. Waldera
Richard C. Fields	Bradley J. Williams	Dylan B. Lawrence
John S. Simko	Lee Radford	Rebecca A. Rainey
John C. Ward	Michael O. Roe	Paul D. McFarlane
D. James Manning	Nancy J. Garrett	Tyler J. Henderson
David B. Lincoln	David S. Jensen	C. Edward Cather III
Gary T. Dance	James L. Martin	Benjamin C. Ritchie
Larry C. Hunter	C. Clayton Gill	Noah G. Hillen
Randall A. Peterman	Michael W. McGreaham	Matthew J. McGee
Mark S. Prusynski	David P. Gardner	David J. Dance
Stephen R. Thomas	Julian E. Gabiola	Mindy M. Willman
Glenna M. Christensen	Tara Marrens	
Gerald T. Husch	Kimberly D. Evans Ross	Robert E. Bakes, <i>of counsel</i>
Scott L. Campbell	Jon A. Stenquist	
Robert B. Burns	Mark C. Peterson	Willis C. Moffatt, 1907-1980
Michael E. Thomas	Tyler J. Anderson	Eugene C. Thomas, 1931-2010
Patricia M. Olsson	Jason G. Murray	Kick R. Helvie, 1956-2003

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

December 14, 2010
via E-mail
john.westra@idwr.idaho.gov
and U.S. Mail

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

RECEIVED

DEC 15 2010

WATER RESOURCES
WESTERN REGION

E-mail copy received 12/14/10
JFW.

Re: Settlers Irrigation District Application for Permit No. 63-31980
MTBR&F File No. 18955.0027

Dear Mr. Westra:

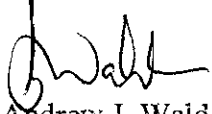
I am writing in formal response to your correspondence dated September 22, 2010, regarding the above-referenced Application for Permit. Though we have discussed the matter on several occasions by phone, I wanted to update you in writing where Settlers Irrigation District ("Settlers") stands with respect to this matter.

The course that Settlers has decided to pursue (amongst the options you and I discussed), is that of completing the permit and license process with the Department. Settlers acknowledges and understands that this approach will likely result in an August 2004 priority date (the date of the underlying application), despite the fact that the well was drilled in, and has been in operation since, 1963. Settlers also understands that this course of action will require it to submit satisfactory expert analysis that the groundwater diverted through the well is not directly tributary to the Boise River. To that end, Settlers has engaged Scott King of SPF Water Engineering to provide the necessary expert analysis in support of its pending Application for Permit. Settlers will provide the Department with the groundwater/tributary analysis as soon as it is received.

John Westra
December 14, 2010
Page 2

If you have any questions regarding this matter, please feel free to contact me directly at 385-5418. Further, and as always, thank you for your ongoing attention to and assistance with this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Waldera', with a stylized, cursive script.

Andrew J. Waldera

AJW/dll

cc: Nathan Draper



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 22, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Andrew Waldera
Moffatt Thomas Barrett Rock & Fields
101 S Capitol Blvd
PO Box 829
Boise ID 83701

**RE: Application for Permit #63-31980—Settlers Irrigation District
Filed 08/09/04**

Dear Mr. Waldera:

This letter is in reference to the above described application and our July 15th conversation relating to the application history. The application was filed to cover lands and excess flow not covered under decreed water right #63-11185. Public notice was made for the application in September 2004; it was not contested and final processing is all that remains. With recent policy changes for new ground water appropriations in the Treasure Valley, the following options might be considered for the application:

-File a late claim under Snake River Basin Adjudication to be in concert with right #63-11185 and withdraw the application.

-The point of diversion is located within the established Boise River Shallow Ground Water Boundary. Ground water diversions that have water bearing zones less than 200 feet are considered direct tributary to the Boise River. New appropriations of water must be mitigated to prevent injury to senior existing river water rights. Your application indicates a well depth of 88 feet; therefore, mitigation or a mitigation plan is needed to address injury.

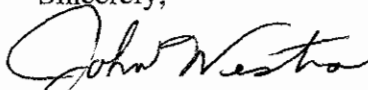
-Provide convincing evidence the point of diversion and new appropriation is not a direct tributary to the Boise River.

-Withdraw the application pursuant to Idaho Code 42-228.

With recent budget and staff reductions our agency can no longer hold/catalogue inactive applications. If you desire the application to be final processed, please provide this office the necessary information/action in writing by **December 15, 2010**. If an untimely or no response is received by the deadline, the application will be ordered void.

Should you have questions or desire to further discuss options, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,


John Westra, Manager

Westra, John

From: Westra, John
Sent: Wednesday, July 07, 2010 9:27 AM
To: 'Andy Waldera'
Subject: RE: Old Settlers Irrigation Dist. Application
Attachments: img-617141541.pdf

Andy:

Attached is a copy of the application from the above.

There is some history that goes with the application that should be shared with you.

Call me anytime

John W.

From: Andy Waldera [mailto:AJW@moffatt.com]
Sent: Wednesday, June 02, 2010 7:16 PM
To: Westra, John
Subject: RE: Settlers Irrigation Dist.

Mr. Westra,

I am involved in Settlers matters, but I must admit that I am not familiar with any old outstanding permits. Although, now that I think about it, I do think that Tiffany Hudak in my office mentioned something to me recently. I would be happy to speak with you about it. However, I am out of the office in eastern Idaho until Friday afternoon (6/4). I will touch base with when I return.

--Andy

From: Westra, John [John.Westra@idwr.idaho.gov]
Sent: Wednesday, June 02, 2010 2:05 PM
To: Andy Waldera
Subject: Settlers Irrigation Dist.

Andy:

Jan Shurte next door indicated you were handling Pioneer Irrigation Dist.

Are you also doing Settler's? If so, we have an old Settler's permit application out here that I would like to visit with you about.

Thanks

John Westra, Manager
Western Region IDWR
Phone :334-2190

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Memorandum

To: Debbie Allen

From: Kay Walker

Date: December 28, 2004

Re: Receipt Correction Request

.....

While reviewing permit 63-11185 for licensing I found that the fees paid under Receipt No. W032097 are in error. The examiner had conducted an exam for Permit 63-11185 and found the permit holder needed to file another application to cover additional irrigation and flow rate that were not included under the examined permit.

Receipt W032097 shows a fee of \$350.00 for an application for permit. The fee for the application for permit (No. 63-31980) should have been shown as \$250.00 and in addition the applicant submitted proof of beneficial use for the same application, which was an additional \$100.00. Please fix the receipt to show the correct uses of the monies paid as follows:

Receipt No. W032097

Application for Permit 63-31980 =	\$250.00
Proof of Beneficial Use 63-31980 =	\$100.00
Total Fee submitted =	\$350.00

If you need more information, please let me know. Thanks!

Cc: Dan Nelson, Western Region



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

October 6, 2004

SETTLERS IRRIGATION DISTRICT
PO BOX 7571
BOISE ID 83707

Re: Petition for Declaratory Ruling and Motion to Stay in the matter of
Application for Permit Number 36-16125 in the name of Delis Farms, Inc.

Dear Applicant:

The Idaho Department of Water Resources (IDWR) Water Allocation Bureau Chief, Gary Spackman, provided the following text in a September 24, 2004, mailing to numerous applicants around Twin Falls. Your application no. 63-31980 involves issues related to that mailing, which is why you are being notified as the other applicants were.

Please note the October 15 deadline discussed in this letter. Also note the IDWR State Office referenced below in the contact information is moving to its new location at the Idaho Water Center in downtown Boise this weekend. Telephone and computer communication will not be available for that office this Friday, October 8. It is hoped but not guaranteed that those services will be restored by Tuesday, October 12.

Here is the notification now provided to you:

IDWR records show that you filed an application to appropriate water proposing a new water right in an area where IDWR has restricted new appropriations of water. Your application states that the water use proposed was developed prior to November 1987. IDWR has been considering and approving new applications in restricted areas if the applicant can establish use prior to November of 1987.

On June 1, 2004, the North Side Canal Company and the Twin Falls Canal Company (the canal companies) filed a petition for declaratory relief contesting the processing of pre-November 1987 applications in restricted areas. A copy of the petition and argument is enclosed. The petition was filed in a contested case for another pre-November 1987 application pending before IDWR. The legal questions raised by the petition directly bear on whether your application can be considered by IDWR. As a result, IDWR has held your application until the contested case is resolved.

September 24, 2004

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Because a decision by IDWR in response to the petition may affect the disposition of your application, you should have an opportunity to participate in the contested case proceeding. If you want to participate, you must file a petition to intervene in the contested case. **Petitions to intervene must be filed with IDWR on or before October 15, 2004.** The petitions must contain the information required by IDWR's Rules of Procedure. The rules can be found at the following website:

<http://www2.state.id.us/adm/adminrules/rules/idapa37/0101.pdf>

The canal companies attached several lengthy documents to the petition. The full petition with exhibits is 82 pages long. Due to the length of those documents, a complete copy of the exhibits is not included with this letter. If you want a copy of the full petition, please notify Deborah Gibson, IDWR State Office, 208-327-7953, and she will send you a copy.

Following IDWR's consideration of the petitions to intervene, IDWR will discuss with the parties the procedures for resolution of the canal companies' petition and the entire contested case. It is proposed to the parties that, because the petition about pre-November 1987 application processing does not raise issues of fact requiring presentation of evidence, and solely raises issues of law, the issue about pre-November 1987 development can be decided by IDWR following submittal of briefs by the parties.

This letter is faxed and mailed to you to provide the earliest possible notification.

Sincerely,



Steve Lester
Water Rights Supervisor

Encl.

- c. Amy Chestnut, Barker Rosholt & Simpson
Roger Ling, Ling, Robinson & Walker
E. Gail McGarry, Bureau of Reclamation
Gary Spackman, IDWR State Office



State of Idaho

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Director

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 10/6/04

TO: Scott Campbell
Moffatt Thoms Et AL
fax 385-5384

FROM Steve Leto

DOCUMENT DESCRIPTION: Settlers Ira Dist APRIL 63-31980 -
PRE-1987 Development Appl., delayed as noted. Note 10/15
deadline & also IDWR STATE OFFICE move with its disruptions.
Copy Nto faxed to Applicant today.

TOTAL PAGES SENT: 20 + COVER SHEET

CONTACT: _____

Possibly
URGENT
=====



State of Idaho

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Director

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 10/6/04

TO: Settlers Tr. Dist.

FROM: Steve Lester

fax 343-1642

DOCUMENT DESCRIPTION: APPLICATION 63-31980 e PRE 1987

Development - DELAYED PER LETTER. NOTE 10/15 deadline if
want to intervene in this issue. Also note IDWR State
Office interruption in communication between now & 10/15 re
office move. Copy also faxed to your attorney, Scott
Campbell, per Application information.

TOTAL PAGES SENT: 20 + COVER SHEET

CONTACT: _____

Possibly
URGENT

The Idaho Statesman

RECEIVED

SEP 10 2004

P.O. Box 40, Boise, Idaho 83707-0040
LEGAL ADVERTISING PROOF OF PUBLICATION

WATER RESOURCES
WESTERN REGION

Account #	DTI#	Identification	Amount:
047628	1150135	APPLICATION	\$131.00
Attention:	P.O. #	Run Dates	
SUE KREGER		SEPTEMBER 2, 9, 2004	
IDAHO DEPT. WATER RESOURCES WEST 2735 AIRPORT WY. BOISE, ID 83705			Number of Lines 2 X 36
			Affidavit 1
			Legal # 20314

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
63-31980
SETTLERS IRRIGATION DISTRICT
PO BOX 7571
BOISE ID 83707

Point(s) of Diversion SENE S28 T04N R01W ADA County Source GROUND WATER
Use: IRRIGATION 04/01 To 11/01 0.56 CFS
Total Diversion: 0.56 CFS
Date Filed: 08/09/2004
Place Of Use: IRRIGATION
T04N R01W S20 SWSE SESE
T04N R01W S21 NWSW SWSW SESW SWSE
T04N R01W S28 NENE NWNE SWNE SENE NENW NWNW SWNW
SENW NWSE
Number of Acres 408.6

Remark: Water bearing zone to be appropriated is from 15 to 88 feet.
Development completed by November 1987.
Applicant agrees to mitigate consumptive use in the future as needed.
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 09/20/2004. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director

Pub. Sept. 2,9, 2004

20314

TINA BARTLETT, 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 issue of: SEPTEMBER 2, 2004

ending issue of: SEPTEMBER 9, 2004

Tina Bartlett

STATE OF IDAHO)
COUNTY OF ADA)

On this 9 day of SEPTEMBER in the year of 2004 before me, a Notary Public, personally appeared before me Tina Bartlett 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.

Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 6/2/06

