

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31889

Priority: February 02, 2004

Maximum Diversion Rate: 3.34 CFS

This is to certify, that VALLIVUE SCHOOL DISTRICT NO 139
5207 S MONTANA
CALDWELL ID 83607

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>
FIRE PROTECTION	01/01 to 12/31	3.34 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	NW¼SW¼	Sec. 10, Twp 03N, Rge 03W, B.M., CANYON County
GROUND WATER	NW¼SW¼	Sec. 10, Twp 03N, Rge 03W, B.M., CANYON County

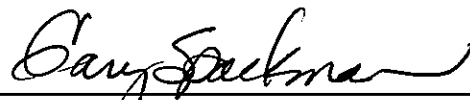
PLACE OF USE: FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 03W 10										X							

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2009**.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Water bearing zone to be appropriated is from 100 to 500 feet.
6. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
7. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 3rd day of June, 2004.



KARL J DREHER, Director

MICROFILMED

111 1 5 2004

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JUN 02 2004

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

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FEB 02 2004

WATER RESOURCES
WESTERN REGION
(208) 454-0445

1. Name of Applicant Vallivue School District #139 Phone (208) 454-0445
Mailing address 5207 S Montana, Caldwell, ID 83607
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 3N Range 3W Sec. 10 in the _____ 1/4,
NW 1/4, SW 1/4, Govt. Lot _____, B.M., Canyon County;
additional points of diversion if any: 2 WELLS SAME LOCATION
4. Water will be used for the following purposes:
- Amount 3.34 cfs for fire protection purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 3.34 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source Two wells (one existing, one proposed)
with electric pumps.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
- c. Proposed well diameter is 16 inches; proposed depth of well is 500 feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If well is already drilled, when? unknown; Drilling firm unknown;
Well was drilled for (well owner) Vallivue School District; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- Other; describe fully. Fire protection for Vallivue School.

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9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	3W	10										F							

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

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

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

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

12. Remarks: Water-bearing zone to be appropriated is 100 to 500 feet. Existing well also provides irrigation under water right 63-10182.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Henry Grant Asst. Supt.
(Signature of Applicant (and title, if applicable))

Received by Kh Date 2/2/04 Time 3:00 Preliminary check by DAW
 Fee \$ 370⁰⁰ Receipted by Kh # W031280 Date 2/2/04
 Publication prepared by sk Date 5-6-13-04 Published in PRESS TRIBUNE
 Publication approved sk Date 5-24-04

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JUN 15 2004

T3N R3W

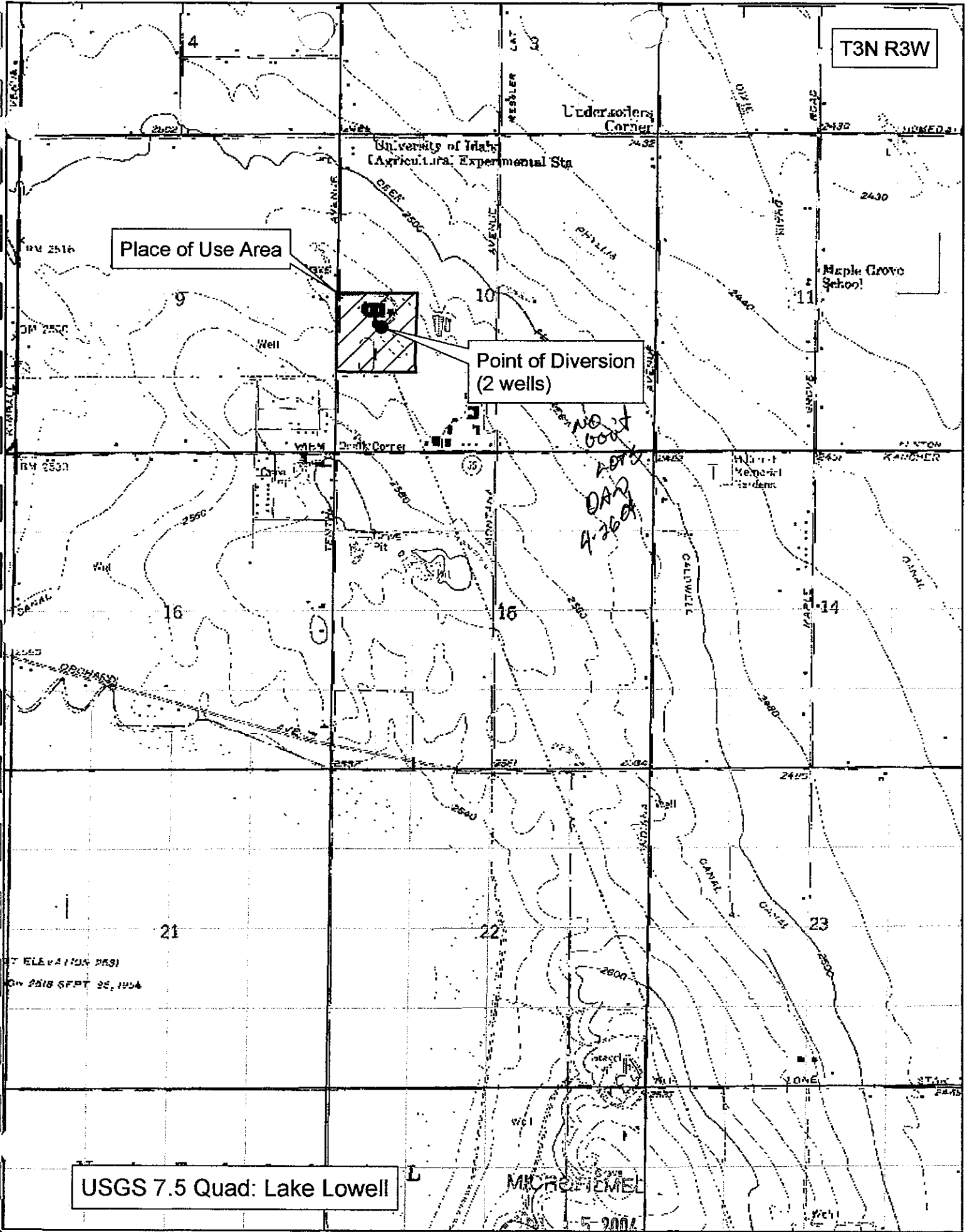
Place of Use Area

Point of Diversion
(2 wells)

NO 1
000
DAS
4-260

ELEVATION (DAS)
ON 2518 SEPT 25, 1954

USGS 7.5 Quad: Lake Lowell



**STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 4, 2004

VALLIVUE SCHOOL DISTRICT NO 139
5207 S MONTANA
CALDWELL ID 83607

RE: Permit No. 63-31889

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.

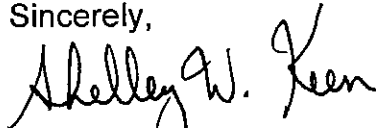
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened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

MICROFILMED
JUL 15 2004

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 208-327-7946.

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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JUN 15 2004

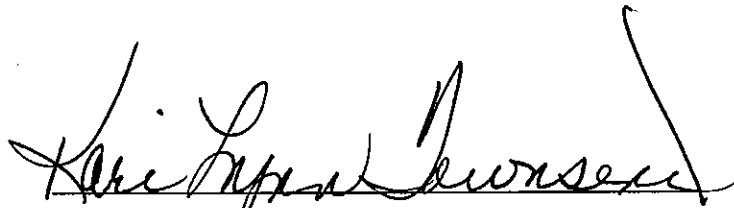
CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2004 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.

63-31889

**VALLIVUE SCHOOL DISTRICT NO 139
5207 S MONTANA
CALDWELL ID 83607**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

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JUN 15 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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JUL 15 2004

Comment Report

63-31889

1. scurtis 4/26/2004 Legal Notice Remarks

Comment: Water bearing zone to be appropriated is from 100 to 500 feet.

2. dnelson 4/26/2004 Comment/Analysis

Comment: This application is for Fire Protection for the Valivue School. Water right 63-10182 for in-school use and irrigation overlap the place of use and point of diversion. The existing irrigation well is one of the wells listed on the application. A transfer has been filed on 63-10182 for additional points of diversion, but they will not include the new well proposed on this application. Another older irrigation right 63-2856 overlaps the place of use. It will not affect this application and will be dealt with during the transfer process on water right 63-10182.

3. kwalker 6/2/2004 Permit Review

Comment: Recommend approval. The use under this permit will be non-consumptive so we can process without delay.

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JUL 15 2004

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) **SS.**
County of Canyon)

Corina L. Engelhart
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

e0100285 04516782
1 Idaho Dept. of Water Resourc
2735 Airport Way
BOISE ID 83705

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MAY 13 2004

**WATER RESOURCES
WESTERN REGION**

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:
05/06/2004, 05/12/2004

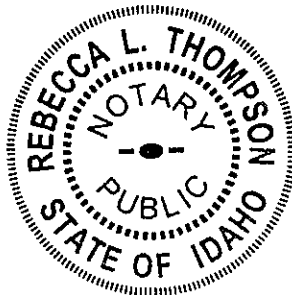
Corina L Engelhart

STATE OF IDAHO)
County of Canyon)

On the 12th day of May in the year of 2004
before me, a Notary Public, personally appeared.
Corina L. Engelhart,
known or identified to me to be the person
whose name is subscribed to the within
instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledge to me that he/she executed the same.

Rebecca L Thompson
Notary Public for Idaho
Residing at Nampa
My commission expires April 19, 2008

**MICROFILMED
JUL 15 2004**



RECEIVED

MAY 13 2004

WATER RESOURCES
WESTERN REGION

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-31889

VALLIVUE SCHOOL DISTRICT #139
5207 S MONTANA
CALDWELL ID 83607

Point(s) of Diversion NWSW S10 T03N R03W CANYON County Source GROUND WATER

Point(s) of Diversion NWSW S10 T03N R03W CANYON County Source GROUND WATER

Use: FIRE PROTECTION 01/01 To 12/31 3.34 CFS
Total Diversion: 3.34 CFS

Date Filed: 02/02/2004

Place Of Use: FIRE PROTECTION
T03N R03W S10 NWSW

Remark: Water bearing zone to be appropriated is from 100 to 500 feet.

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 Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 05/24/2004. The protestant must also send a copy of the protest to the applicant.

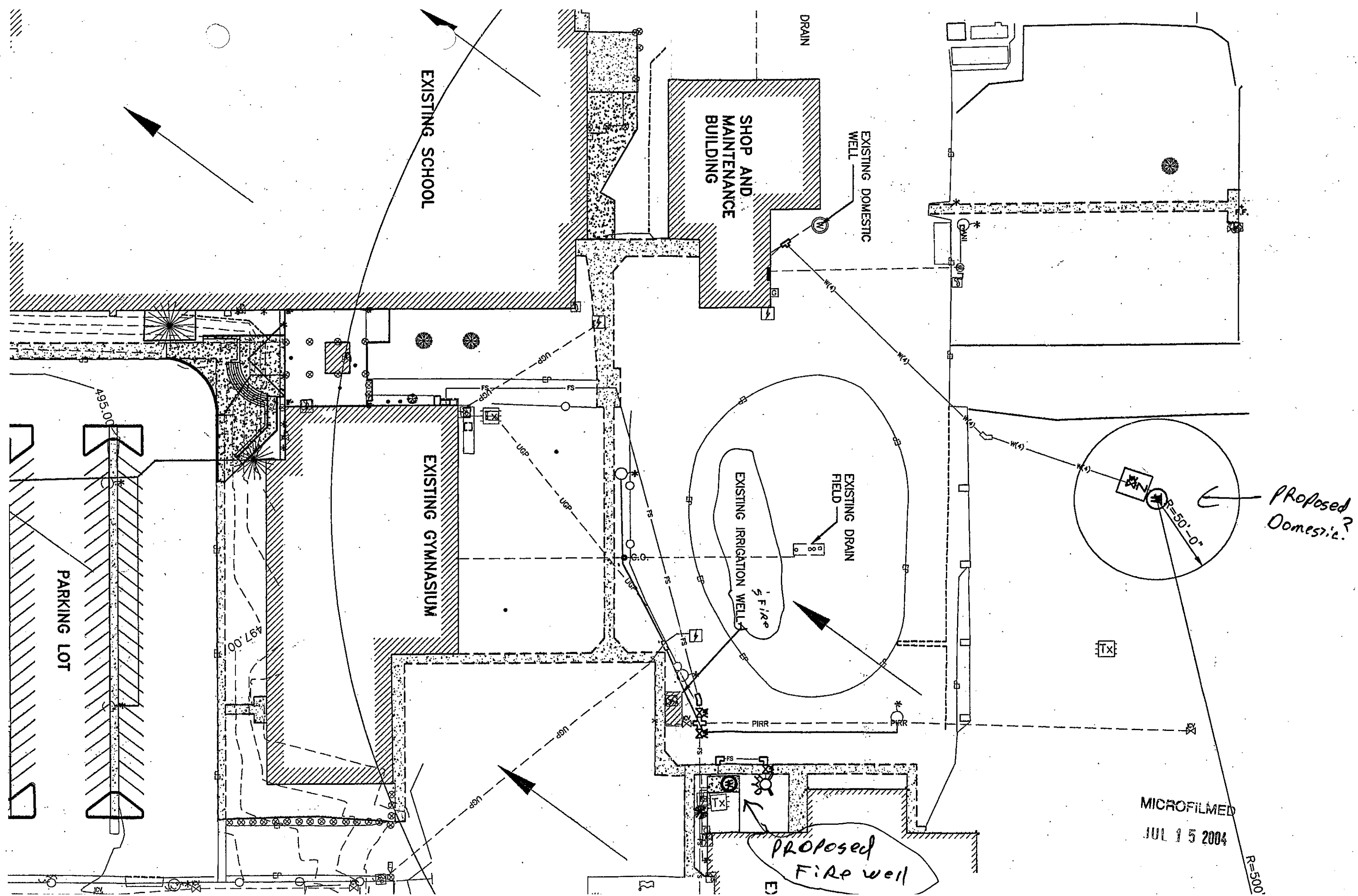
KARL J DREHER, Director

May 6, 12, 2004

04516782

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MAY 13 2004



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JUL 15 2004

R=500

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

April 28, 2004

Legal Notice Department
PRESS-TRIBUNE
PO BOX 9399
NAMPA ID 83652

RE: Application for Permit No. 63-31884 and 63-31889

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 05/24/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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III 15 2004

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KARL J DREHER, Director

Published in the Press Tribune on May 6 and 12, 2004.

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JUL 15 2004