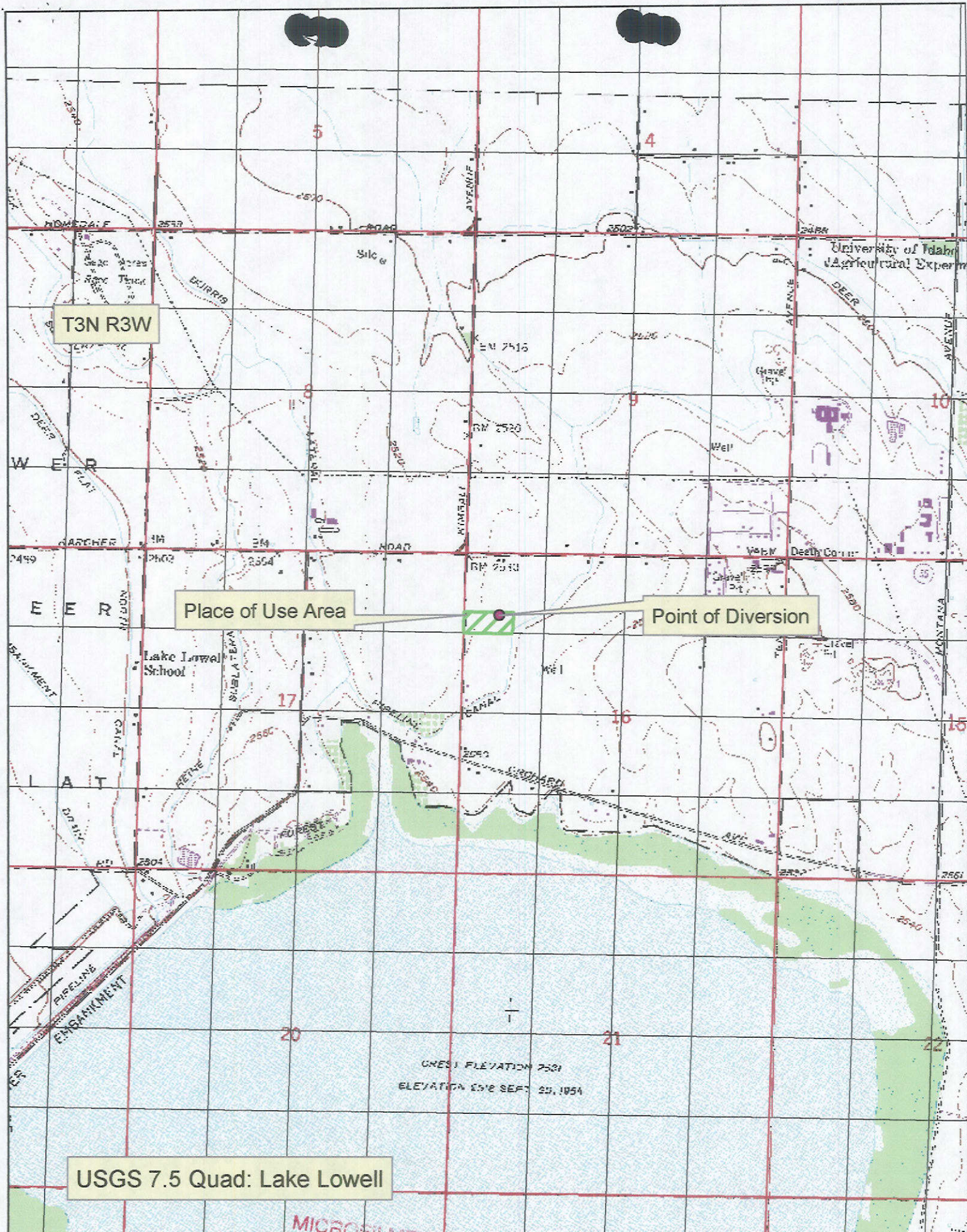




MICROFILMED

JUL 15 2004

63-31933

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31933

Priority: April 20, 2004

Maximum Diversion Rate: 0.04 CFS

This is to certify, that CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
50 E NORTH TEMPLE ST
SALT LAKE CITY UT 84150-6321

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>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16, Twp 03N, Rge 03W, B.M., CANYON County

PLACE OF USE: DOMESTIC

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 16						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 50 to 300 feet.
6. Domestic use is for 1 church meeting house and does not include lawn, garden, landscape, or other types of irrigation.
7. The domestic use authorized under this right shall not exceed 2,500 gallons per day.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 24th day of June, 2004.


for KARL J DREHER, Director

MICROFILMED

JUL 15 2004

RECEIVED
JUN 24 2004
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
JUN 09 2004

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

Corporation of the Presiding Bishop of The Church of

1. Name of Applicant Jesus Christ of Latter-Day Saints, a Utah corporation sole Phone 801-240-4657

Mailing address 50 East North Temple, Salt Lake City, UT 84150-6321

2. Source of water supply groundwater which is a tributary of NA

3. Location of point of diversion is Township 3N Range 3W Sec. 16 in the 1/4,
NW 1/4, NW 1/4, Govt. Lot _____, B.M., Canyon County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 cfs for domestic 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) 0.04 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 6" well with submersible pump; pipe to meeting house and other facilities

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet

c. Proposed well diameter is 6 inches; proposed depth of well is 300 feet

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; 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. _____
e. Other; describe fully. _____

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JUN 15 2004

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	16						D											

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: This application proposes appropriation of groundwater for domestic uses at a church meeting house. No irrigation is contemplated under this permit. Irrigation will be provided under other water rights. Water bearing zone to be appropriated is 50 to 300 feet.

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.

JJR

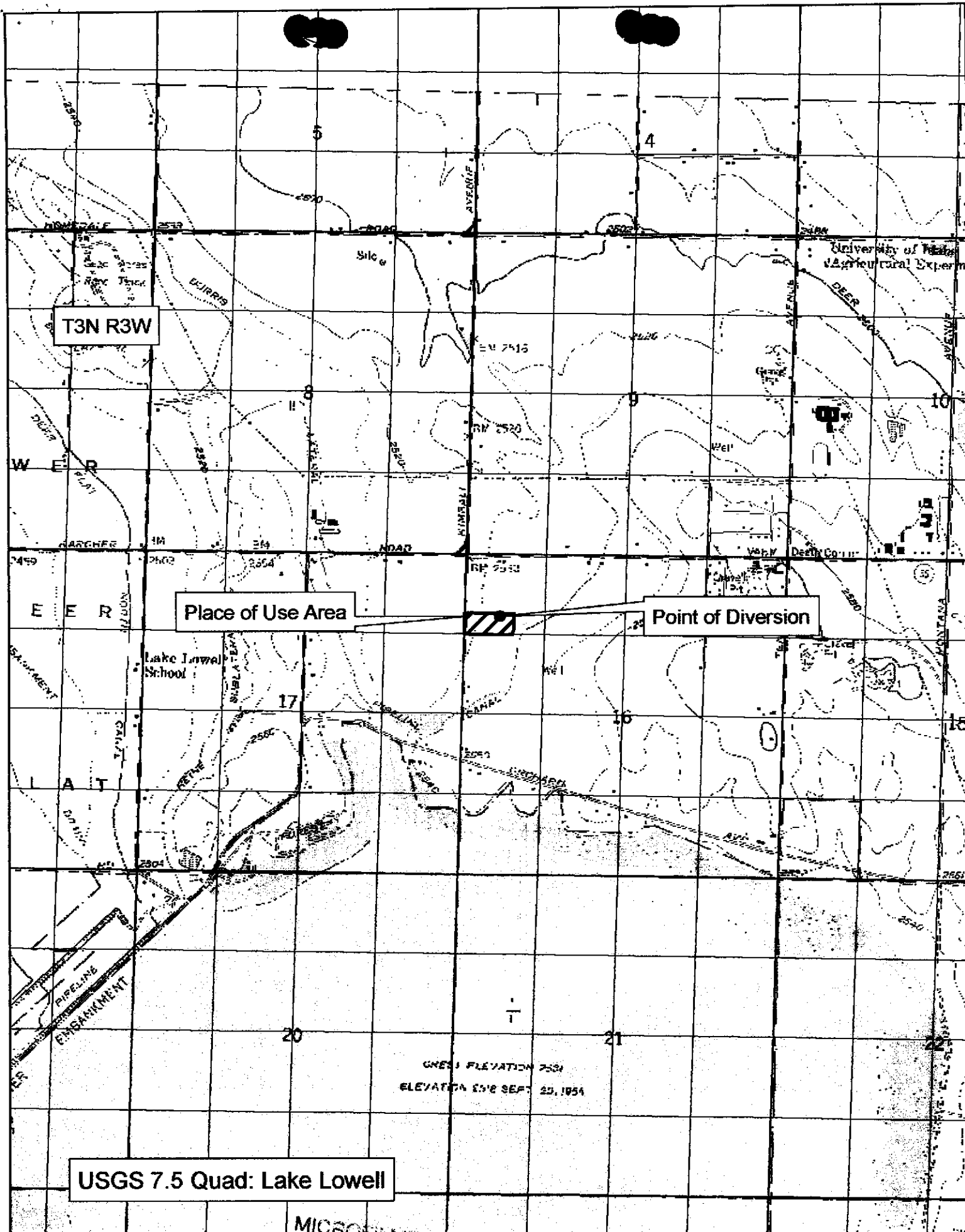
John D. Dorr

Signature of Applicant (and title, if applicable)

Received by KG Date 4/20/04 Time 2:18 Preliminary check by LG
 Fee \$ 100.00 Received by KG # W031569 Date _____
 Publication prepared by JK Date 6-3-10-04 Published in _____
 Publication approved JK Date 6-18-04 PRESS TRIBUNE

MICROFILMED

111 15 2004



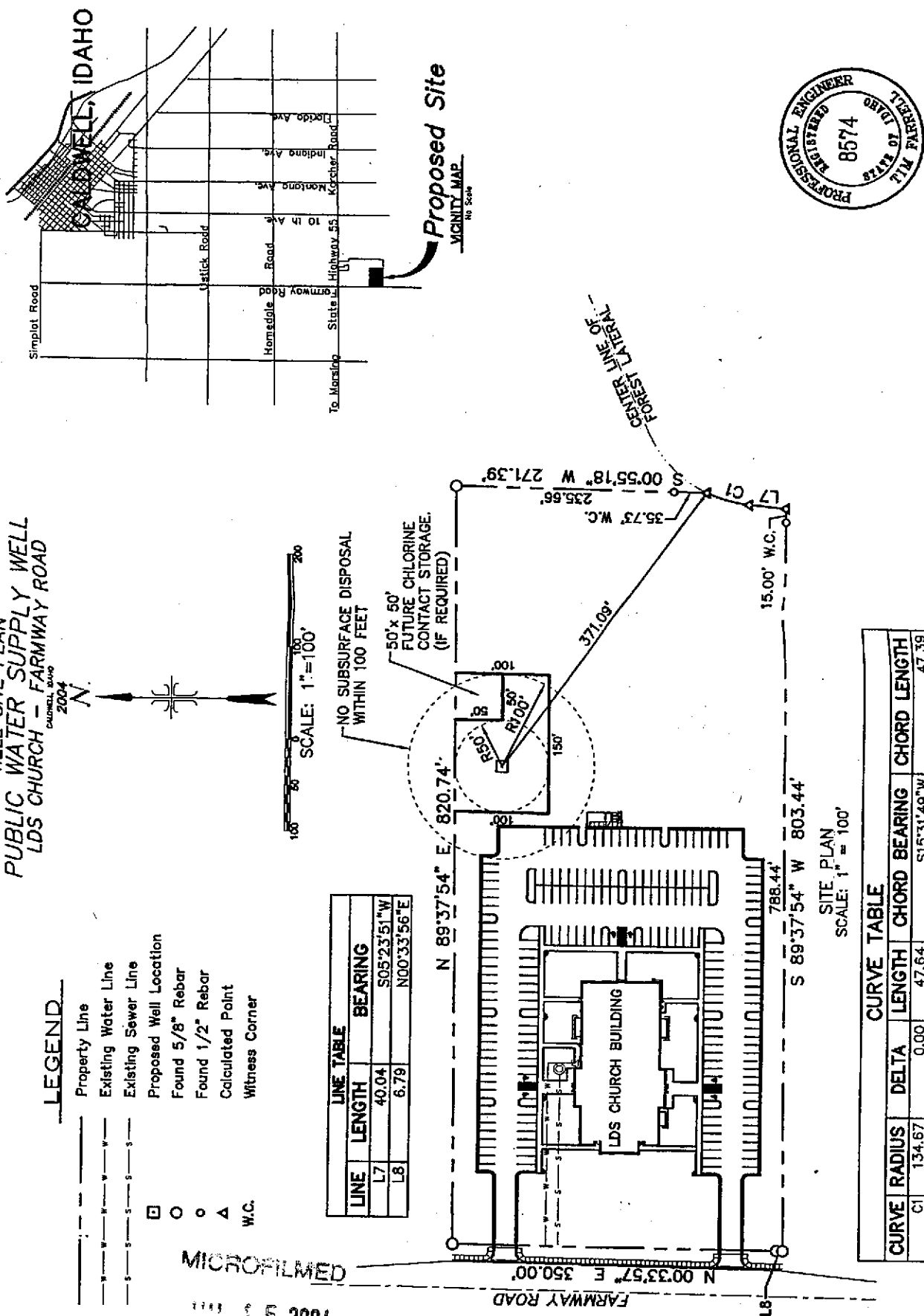
MICROFILMED

JUL 15 2004

63-31933

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD LENGTH
C1	134.67	0.00	47.64	S15°31'40"W	47.39

LINE TABLE		
LINE	LENGTH	BEARING
L7	40.04	S05°23'51"W
L8	6.79	N00°33'56"E



SCANLAN ENGINEERING
Consulting and Professional Engineering
800 EAST WILSON PARK LANE, SUITE 100
MERRILL, KANSAS 66504
PHONE (913) 335-4440 FAX (913) 335-4439

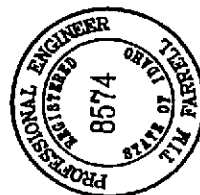
WELL SITE PLAN
PUBLIC WATER SUPPLY WELL
LDS CHURCH - FARMWAY ROAD
CARMEL, IDAHO

THE FAIRCHILD
500 EAST RIVER PARK LANE, SUITE 105
BOISE, IDAHO 83708
PHONE: 208-333-8171

DRAWN BY:	E. C.
CHECKED BY:	E. C.
WORLD	12
PLAT WORLD	1

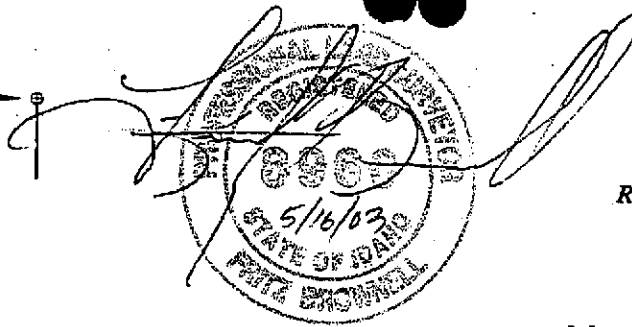
[illegible]

1 381825



*Skinner Land
Survey Co. Inc.*

2512 South Georgia
Caldwell, ID 83605
(208) 454-0933
Fax (208) 454-9492



Greg L. Skinner, PLS
Fritz Brownell, PLS
Rodney Kahle-Clark, PE

May 16, 2003

Description for
Terry Bradshaw
Job No. MR1503

Caldwell Id SHK FS - Farmway Rd.
#572-8428

Parcel 1

This parcel is a portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 3 North, Range 3 West of the Boise Meridian and is more particularly described as follows:

BEGINNING at the southwest corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$;

thence North $00^{\circ} 33' 57''$ East along the west boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 350.00 feet;

thence North $89^{\circ} 37' 54''$ East parallel with the south boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 820.74 feet;

thence South $00^{\circ} 55' 18''$ West a distance of 271.39 feet to a point on the centerline of the Forest Lateral as it now exists;

thence traversing said centerline as follows:

along a curve to the left having a central angle of $20^{\circ} 16' 04''$, a radius of 134.67 feet, an arc length of 47.64 feet and a long chord which bears South $15^{\circ} 31' 49''$ West a distance of 47.39 feet;

South $05^{\circ} 23' 51''$ West a distance of 40.04 feet to a point which lies 6.79 feet south of the north boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$;

thence South $89^{\circ} 37' 54''$ West parallel with the north boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 803.44 feet to a point on the west boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$;

thence North $00^{\circ} 33' 56''$ East along the west boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 6.79 feet to the **POINT OF BEGINNING**.

This parcel contains 6.69 acres, more or less, and is subject to a county road right-of-way along the west boundary and to all other easements and rights-of-way of record or implied.

MICROFILMED

MAY 15 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 28, 2004

CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
50 E NORTH TEMPLE ST
SALT LAKE CITY UT 84150-6321

RE: Permit No. 63-31933

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.

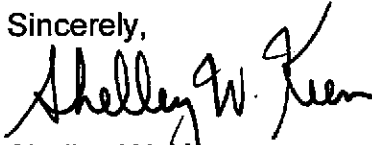
MICROFILMED

JUN 29 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)

MICROFILMED

JUL 15 2004

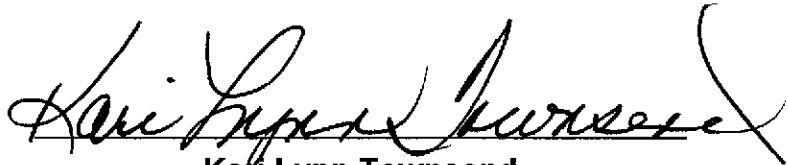
CERTIFICATE OF SERVICE

I hereby certify that on June 28, 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.

63-31933

**CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
50 E NORTH TEMPLE ST
SALT LAKE CITY UT 84150-6321**

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

**Karl Lynn Townsend
Secretary**

MICROFILMED

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).

MICROFILMED
JUL 15 2004

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.

Comment Report

63-31933

1. scurtis 5/25/2004 Legal Notice Remarks

Comment: Water bearing zone to be appropriated is from 50 to 300 feet.

Domestic use is for a church meeting house.

2. Igraves 5/26/2004 Comment/Analysis

Comment: Officers for the church are on record with previous water right filing for the LDS Church. A 300 ft, 6 inch well has been proposed to provide internal domestic water for a new LDS church on Farmway Road near Caldwell. Applicants consultant originally filed for .11 cfs diversion rate. Administration determined that flow in excess of .04 cfs is considered consumptive unless the applicant proposes to return the water to the zone from which it came. To avoid mitigation, applicants consultant amended the flow rate to .04 cfs. The priority date was not advanced because the flow rate was reduced, not increased. Please see attached e-mail copy from Steve Lester to Terry Scanlan dated 5/21/2004 for further details.

The proposed domestic well is separate from the proposed fire protection well listed on application 63-31932.

Ground water diversion is limited to .04 cfs, not to exceed 2500 gpd.

3. kwalker 6/24/2004 Permit Review

Comment: Recommend approval limiting use to 2500 gpd and no irrigation under this right.

MICROFILMED

JUL 15 2004

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

JUN 24 2004

DEPARTMENT OF
WATER RESOURCES

Initial review by ly Date 5/20/04 Application # 63-31933

REQUIRED INFORMATION

- ☒ Name (for corporation or partnership, names & addresses for director, officers, &/or other partners must be included) *use current data entry std. officers on record in previous church water right filings*
- ☒ Address
- ☒ Source (see USGS quad for source names)
- ☒ P/D (10 acres for spring, lot & block descriptions for subdivisions, local name)
- ☒ County
- ☒ Quantity (flow &/or volume)
- ☒ Period of use
- ☒ Nature of use (list details in appl. Item 8 if non-irrigation)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ P/U
- ☒ Map (show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (if > 1 home restricted area ≥ 5 homes non-restricted area)
- ☒ Signature (if corporation, partnership, municipality, need title of signatory)
- ☒ Correct fee paid

Government Lots

No P/D
No P/U

ADDITIONAL INFORMATION

ADVERTISE REMARKS

☒ YES ☐ NO

YES NO

- ☒ P/D overlap (explain) *other P/Ds + P/U*
- ☒ P/U overlap (explain)
- ☒ Critical groundwater area (send letter)
- ☒ Ground water management area (send letter)
- ☒ Drilling concern area (send letter)
- ☒ 1992 moratorium (send letter)
- ☒ Surface water source, IDFG comment letter
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to Dam Safety staff (if any storage)
- ☒ Mitigation plan: "request to process form" in file: *non-consumptive*
- ☐ Immediate = closed areas, acceptable plan required & submitted
- ☐ Future = open areas, plan not required
- ☒ Send power requirement letter &/or fish farm requirement letter
- ☒ Power residency affidavit
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (if YES, attach large diversion supplementary analysis sheet)

☒ REQUEST ADDITIONAL INFORMATION FROM APPLICANT

cfs reduction

Date Requested 5/20/04 Date Response Received 5/21/04 email

PROCESSINGAPPLICATION # 63-31933

YES NO

☒ ☒ In form for advertising
☒ ☒ Statewide advertising (> 10 cfs &/or 1000 af)
☒ ☒ Fee amount, receipt number, & date recorded on application

COMMENT LETTERS

YES NO

☐ ☒ IDEQ
☐ ☒ IDFG
☐ ☒ IDL
☐ ☒ IDWR Water Planning
Bureau

YES NO

☐ ☒ US BLM
☐ ☒ US Forest Service
☐ ☒ Water Dist #
☐ ☒ Other - list here or attach information

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐ Affidavit of publication received
☒ ☐ Application published correctly? If not, record action taken

☒ ☐ Publication dates & paper recorded on application
☐ ☒ Final date for protest 6-21-04
☐ ☒ Protests received
☐ ☒ Recommendations attached
☐ ☒ Measuring device required
☐ ☒ Water delivered by water master? District #
☐ ☒ Special conditions of approval or cover letter

standardsRecommended Date of Priority 4/20/04Recommendation ☒ Approve ☐ Deny by Ken Craven Date 6/23/04**ADDITIONAL INFORMATION**☒ See attached proof report, note Legal Notice Remarks &/or Comments☒ Shapefile completed (optional: attach with proof report)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 63-31933

WATER RIGHT NUMBER: 63-31933

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS 50 E NORTH TEMPLE ST SALT LAKE CITY, UT 84150-6321 (801)240-4657

Priority Date: 04/20/2004

Basis:

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>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 16, Twp 03N, Rge 03W, B.M.
CANYON County		

Place of Use

DOMESTIC

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	16						X											

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 63-31933

Comments:

1. scurtis 5/25/2004 Legal Notice Remarks

Comment: Water bearing zone to be appropriated is from 50 to 300 feet.
Domestic use is for a church meeting house.

2. Igraves 5/26/2004 Comment/Analysis

Comment: Officers for the church are on record with previous water right filing for the LDS Church. A 300 ft, 6 inch well has been proposed to provide internal domestic water for a new LDS church on Farmway Road near Caldwell. Applicants consultant originally filed for .11 cfs diversion rate. Administration determined that flow in excess of .04 cfs is considered consumptive unless the applicant proposes to return the water to the zone from which it came. To avoid mitigation, applicants consultant amended the flow rate to .04 cfs. The priority date was not advanced because the flow rate was reduced, not increased. Please see attached e-mail copy from Steve Lester to Terry Scanlan dated 5/21/2004 for further details.

The proposed domestic well is separate from the proposed fire protection well listed on application 63-31932.
Ground water diversion is limited to .04 cfs, not to exceed 2500 gpd.

Dates and Other Information:

Application Received Date: 4/20/2004

Application Denied Date:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date:

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

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: This application proposes appropriation of ground water for domestic uses at a church meeting house. No irrigation is contemplated under this permit. Irrigation will be provided under other water rights.
Water bearing zone to be appropriated is 50 to 300 ft.

Other Water Rights:

Time to Complete Works: 5

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:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

RECEIVED

JUN 14 2004

WATER RESOURCES
WESTERN REGION

e0100285 04517167
1 Idaho Dept. of Water Resourc
2735 Airport Way
BOISE ID 83705

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

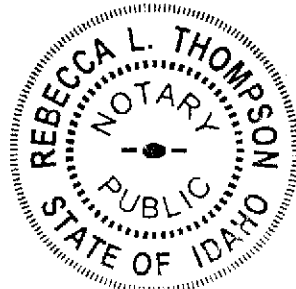
1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, 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:
06/03/2004,06/10/2004

Corina L. Engelhart
STATE OF IDAHO)
County of Canyon)

MICROFILMED

JUL 15 2004

On the 16th day of June 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

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
63-31933

✓sk

CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
50 E NORTH TEMPLE ST
SALT LAKE CITY UT 84150-6321

Point(s) of Diversion NWNW S16 T03N R03W CANYON County Source GROUND WATER

Use: DOMESTIC
Total Diversion: 01/01 To 12/31 0.04 CFS
0.04 CFS

Date Filed: 04/20/2004

Place Of Use: DOMESTIC
T03N R03W S16NWNW

Remark: Water bearing zone to be appropriated is from 50 to 300 feet. Domestic use is for a church meeting house.

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 06/21/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

June 3, 10, 2004

04517167

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JUN 14 2004
WATER RESOURCES
WESTERN REGION

MICROFILMED

JUN 15 2004

Memorandum

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS

RECEIVED

To: Terry Scanlan
From: Grant Cooper
Date: June 4, 2004

JUN 09 2004
WATER RESOURCES
WESTERN REGION

Enclosed is application. This has been signed with my initial for the CPB-LDS Church.

Grant Cooper
Natural Resources

MICROFILMED

JUN 15 2004

**SPF**

Water Engineering, LLC
water resource consultants

RECEIVED

JUN 09 2004

WATER RESOURCES
WESTERN REGION

June 8, 2004

Lori Graves
Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Application for Permit 63-31933

Dear Lori:

Enclosed is a revised first page of the application for permit for domestic purposes at the LDS Church project on Farmway Road in Canyon County. The requested diversion rate associated with the application has been reduced to 0.04 cfs as a result of our discussions last month. The 0.04 cfs diversion rate has been initialed by Grant Cooper of the LDS Natural Resources Office in Salt Lake City.

Please contact me with any questions.

Sincerely,

Terry M. Scanlan, P.E.

Cc: Grant Cooper

MICROFILMED

JUN 15 2004

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

May 27, 2004

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

RE: Application for Permit No. 63-31932 and 63-31933

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 06/21/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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JUL 15 2004

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

63-31933

CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
50 E NORTH TEMPLE ST
SALT LAKE CITY UT 84150-6321

Point(s) of Diversion NWNW S16 T03N R03W CANYON County Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 04/20/2004

Place Of Use: DOMESTIC

T03N R03W S16 NWNW

Remark: Water bearing zone to be appropriated is from 50 to 300 feet.
Domestic use is for a church meeting house.

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 06/21/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Press-Tribune on June 3 and 10, 2004.

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JUL 15 2004

Graves, Lori

From: TMSANLAN@aol.com
Sent: Friday, May 21, 2004 6:01 PM
To: lgraves@idwr.state.id.us
Subject: LDS Farmway Application

Per an email from Steve Lester, I have been set straight on what is consumptive and what is non-consumptive. As a result, looks like we need to reduce to the application to 0.04 cfs and <2500 gpd. Can you proceed on that basis please? Do we need to resubmit the application?

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JUL 15 2004

5/24/2004

Lester, Steve

From: Lester, Steve
Sent: Friday, May 21, 2004 3:08 PM
To: 'tmscanlan@aol.com'
Subject: LDS Church - Farmway Road

Contacts: Terry Scanlan

Terry:

Your request for clarification about the rate of flow for a well for internal domestic use at a church in Basin 63 has been discussed by staff. Gary Spackman and John Westra asked me to reply to you. While comments in your email appear correct at first glance, there is more to the story. Since the moratorium started in 1992 and through the current time, IDWR has interpreted consumptive use more broadly than your reading of Application Processing Memo No. 59 indicates.

An application for permit for ground water in which the use requires a water right - anything beyond exempted domestic use in Section 42-111, Idaho Code - must identify the water bearing zone to be appropriated as required by the 1995 Order that lifted the moratorium. The water bearing zone information continues to be required during the "processing delay" that replaced the moratorium by 1996.

The use of ground water is considered consumptive unless the applicant proposes to return the water to the zone from which it came. Consumptive use under these conditions must be mitigated if the use falls outside of those that can be processed under the limits of the processing delay for Basin 63 (uses other than community well with 1/2 acre yards, municipal, verified pre-1987 development etc.). That is the message of Memo No. 59. It is highly unlikely that the church will seek domestic water from the same water bearing zone represented by the drain field -- I should hope not!

The answers to your questions follow.

1) Domestic use beyond 0.04 cfs not to exceed 2500 gallons/day in this context is considered consumptive unless the water is returned to the water bearing zone from which it came. Additional information would be needed to document this unlikely scenario.

2) Therefore the department cannot approve the application due to location, insignificant consumption etc.

It follows that (a) the application should be limited to 0.04 cfs not to exceed 2500 gallons/day, or (b) a higher rate of flow and/or volume must be mitigated. Wells for many other churches in Basin 63 have approved within the exempted rate/volume since 1992. It is hard to see how this causes a problem for internal use at a church given that history.

For future reference, please avoid taking your questions to State Office staff for anything pending at the Regional Office. Going beyond regional staff under those circumstances bypasses several regional people and adds more confusion to the process. Under this approach, if you are not satisfied with the Regional Office opinion on something, you can make a written request (includes email) to the region for reconsideration based on whatever useful information you can provide. The Regional Office would take the matter up with the State Office at that time if the matter has not already been discussed by both offices (many times items have already been discussed within the department). Gary and John agree on this approach to handling questions.

You do a good job for your clients and we enjoy working with you. We ask your cooperation in respecting the way IDWR manages its workload. Often what looks like a timesaver to someone outside the department results in the opposite for people inside the department. Nobody gains from that.

Thanks for your cooperation. Please let me know if you want to discuss any of this in more detail.

Steve Lester
Water Rights Supervisor
IDWR Western Region
2735 Airport Way/Boise ID 83705
tel 208.334.2190
fax 208.334.2348

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JUL 15 2004

Lester, Steve

From: Graves, Lori
Sent: Thursday, May 20, 2004 2:12 PM
To: Lester, Steve
Subject: FW: LDS Church - Farmway Road

Hi Steve, should we discuss the following at our next processing meeting on Wednesday or would you rather a different approach. lg

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

From: TMSCANLAN@aol.com [mailto:TMSCANLAN@aol.com]
Sent: Thursday, May 20, 2004 1:37 PM
To: gspackman@idwr.state.id.us
Cc: lgraves@idwr.state.id.us
Subject: LDS Church - Farmway Road

Gary -

On behalf of the LDS Church, I submitted an application for permit proposing domestic use from a groundwater source at a proposed church building located between Caldwell and Lake Lowell on Farmway Road. The proposed diversion rate is 0.11 cfs based on a count of fixtures (toilets, sinks, etc.). The wastewater will discharge to a drainfield. All proposed uses will be inside, and we would be OK with a condition specifying no outside use or irrigation under the water right. We have submitted a transfer application for irrigation from the domestic well to cover landscape needs.

Western Region has given me the option of either reducing the diversion rate to 0.04 cfs or not processing the application due to the Basin 63 administrative hold. The Administrative Hold memo from June 1996 (Application Processing Memo No. 59) says "All applications proposing a consumptive use of groundwater, whether now pending or filed in the future are to be held without further processing except as herein provided." I don't think that this application proposes a consumptive use, so I wonder why it is subject to the administrative hold. I don't want to make a big deal out of this, and I can live with a 0.04 cfs permit at this site if necessary, but it seems like the right thing to do is to get a permit that accurately characterizes the probable diversion rate. So, can you provide an **opinion** on the following.

1. Is inside domestic use considered non-consumptive?
2. Can the Department approve this application because this right "will have no effect on prior surface water and groundwater rights because of its location, insignificant consumption, ..." (see Application Processing Memo No. 59, item 7.b.)?

Thanks for your consideration.

Terry Scanlan
 383-4140 ext 201

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MAY 15 2004

NO to both - is cons. unless return water to same w.b. zone it came from ... so a broader view of cons. use. Gary + John agree with that.

So amend appl to 1) .04 cfs / 2500 gpd - or -
 2) m.f. site use beyond that

5/21/2004

We'll discuss more e 5/26 WR meeting

lg

**SPF**

Water Engineering, LLC
water resource consultants

April 19, 2004

Steve Lester
Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Applications for Permit – LDS Caldwell Stake FS Project (Farmway Road,
PN572-8428)

Dear Steve:

On behalf of The Church of Jesus Christ of Latter Day Saints, I am pleased to submit the two enclosed Applications for Permit for a property on Farmway Road near Caldwell. Two checks for \$100 each are enclosed to cover the application fees.

The first application proposes diversion of 0.11 cfs of groundwater for domestic purposes. The 0.11 cfs diversion rate requirement was determined using a fixture count method as part of the public water system permitting process. A check for the \$100 application fee is enclosed.

The second application proposes diversion of 3.34 cfs (1500 gpm) for fire protection purposes. A 1500 gpm fire flow is required for protection of the proposed meetinghouse structure. A check for the \$370 application fee is enclosed.

Separate applications have been prepared because the water will be diverted and delivered through separate wells and piping systems.

Please contact me with any questions.

Sincerely,

Terry M. Scanlan, P.E.

Cc: Grant Cooper
Terry Bradshaw
Dion Zimmerman

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JUN 15 2004