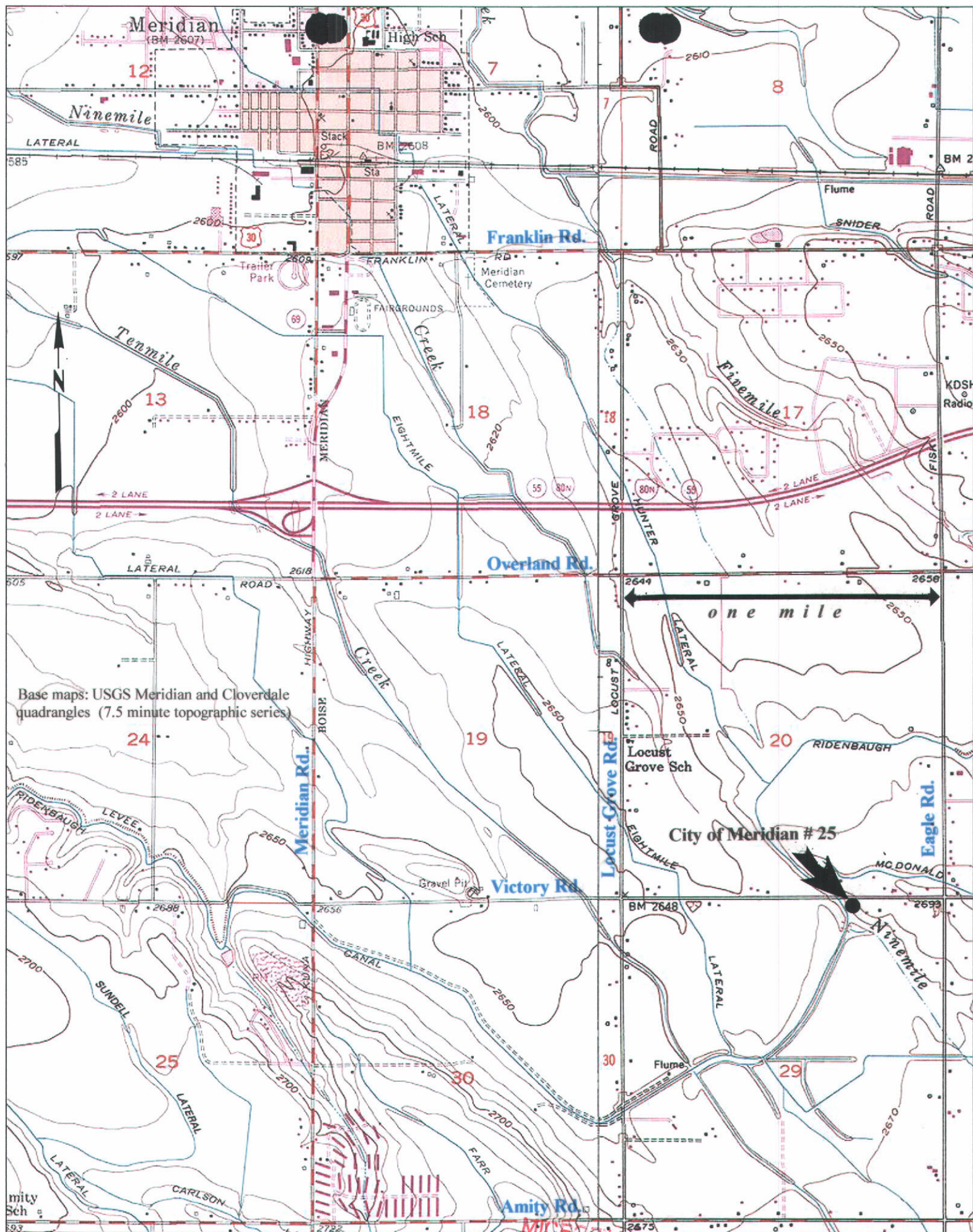
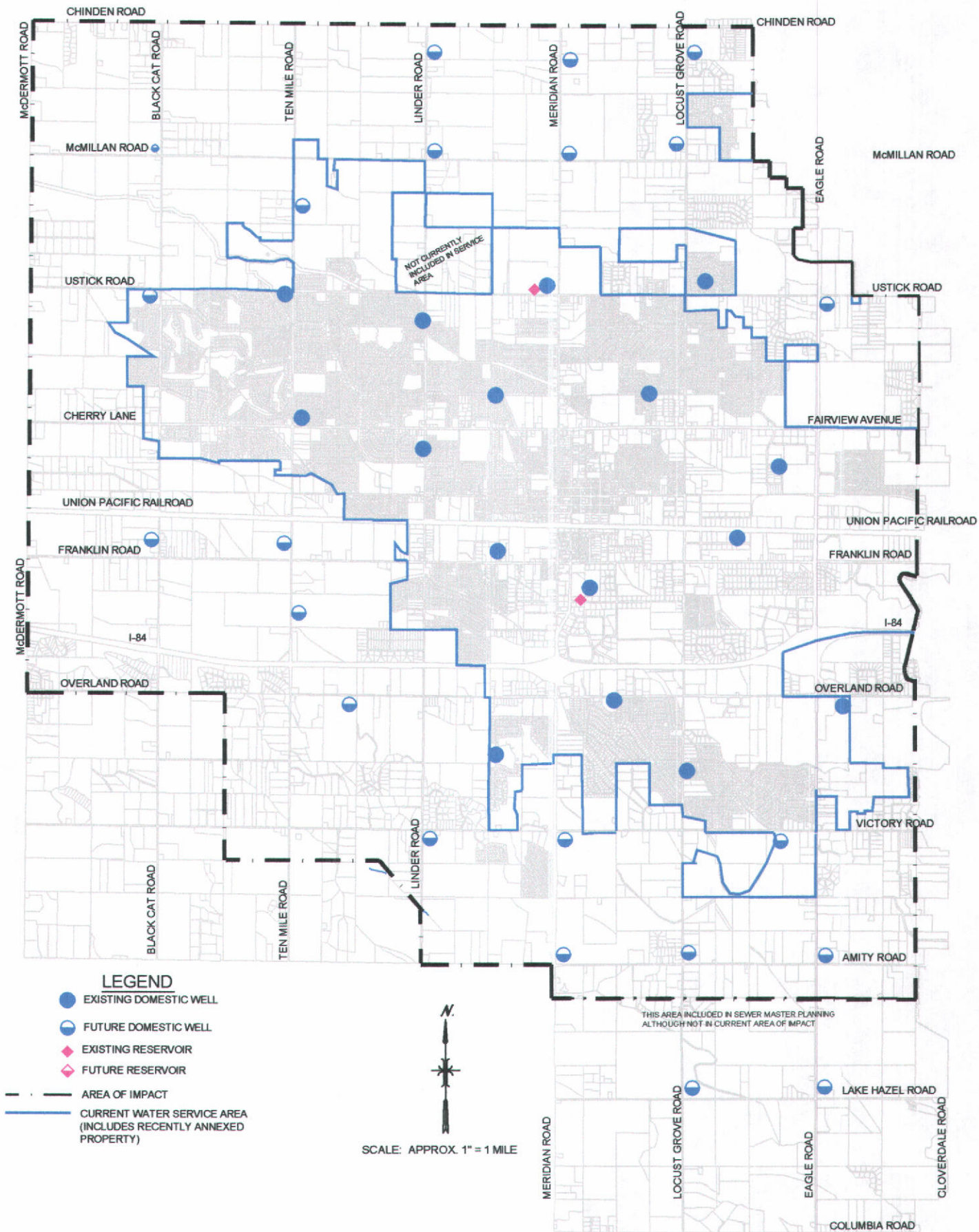




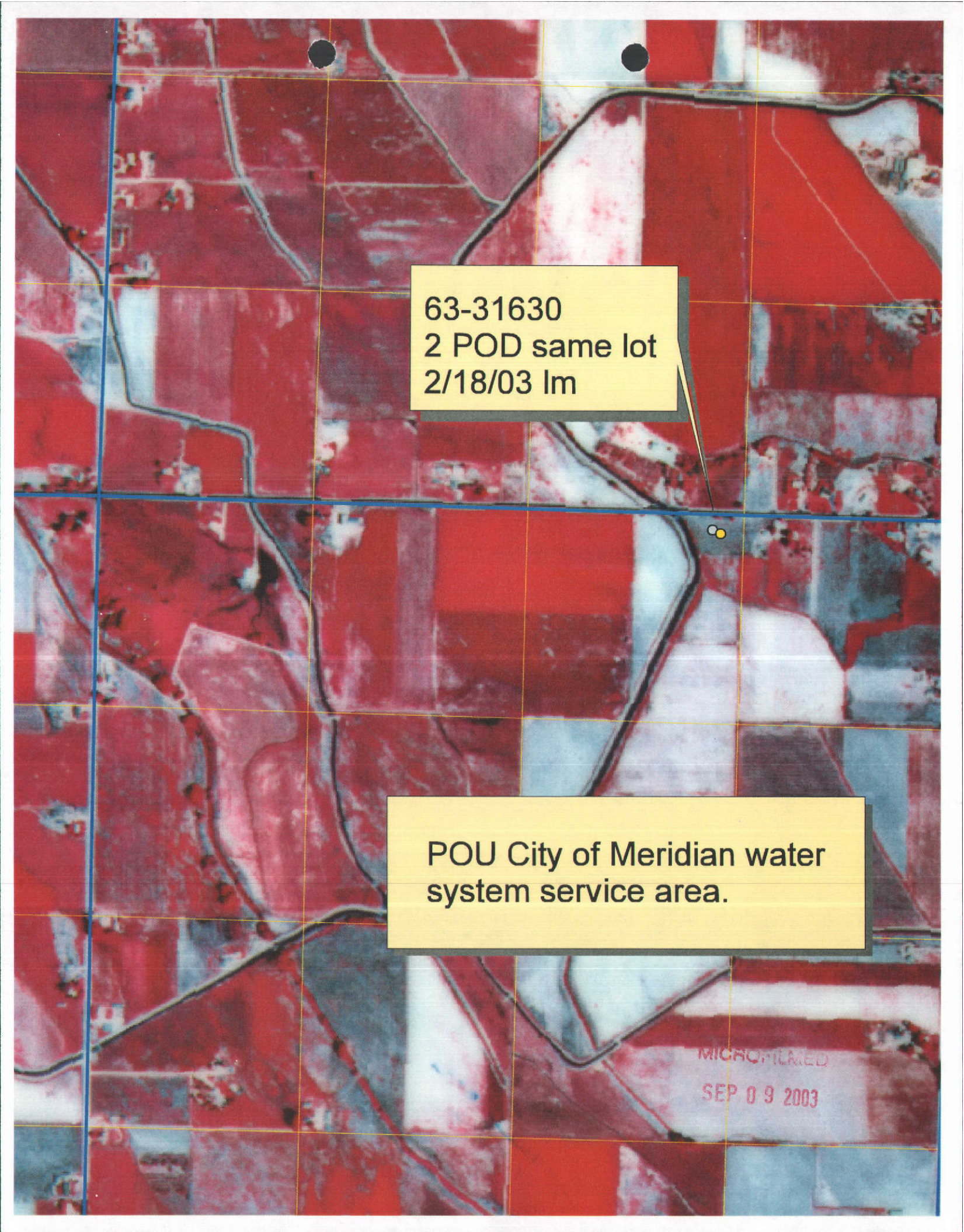
SEP 09 2003

No Gov'ts

CITY OF MERIDIAN WATER SYSTEM EXISTING SERVICE AREA
(8-9-02)



MICROFILMED
SEP 09 2003



63-31630
2 POD same lot
2/18/03 lm

POU City of Meridian water
system service area.

MICROFILMED
SEP 09 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31630

Priority: January 21, 2003

Maximum Diversion Rate: 5.00 CFS

This is to certify, that CITY OF MERIDIAN
33 E IDAHO AVE
MERIDIAN ID 83642

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>
MUNICIPAL	01/01 to 12/31	5.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NE¼NW¼NE¼	Sec. 29, Twp 03N, Rge 01E, B.M.	ADA County
GROUND WATER	NE¼NW¼NE¼	Sec. 29, Twp 03N, Rge 01E, B.M.	ADA County

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 1, 2008**.
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 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. 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.
6. 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.
7. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

MICROFILMED

SEP 09 2002

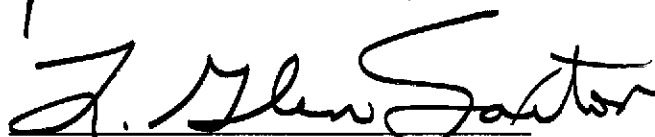
State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-31630

8. Place of use is within the service area of the City of Meridian municipal water supply system as provided for under Idaho Law.
9. The right holder shall extend unperforated surface casing from land surface to a confining layer directly overlying the top of the aquifer open to the well.
10. The wells proposed as points of diversion for this right shall be constructed with a surface casing that shall not, under any discovered (during drilling) circumstances, be less than 200 feet in depth.
11. The wells proposed as points of diversion for this right shall be sealed by the emplacement of a continuous (full-depth) surface seal consisting of low-permeability grout or chip bentonite within the annular space between the open drilled hole and the surface casing.
12. Water bearing zone to be appropriated is 300 to 900 feet.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 25th day of April, 2003


for KARL J DREHER, Director

MICROFILMED

SEP 03 2003

RECEIVED

JAN 21 2003

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

APR 7 2003

Department of Water Resources

Please direct all inquiries to Ed Squires at 342-8369

1. Name of applicant City of Meridian, Idaho Well #25 Phone (208) 342-8369 E. Squires
Mailing address 33 E. Idaho, Meridian, Idaho 83642
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 3N Range 1E Sec. 29 in the NE $\frac{1}{4}$,
NW $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot. _____, B.M., Ada County;
additional points of diversion if any: T3N, R1E, Section 29, NE 1/4, NW 1/4, NE 1/4 (second future well on the same lot).
4. Water will be used for the following purposes:
Amount 5.0 cfs for Municipal purposes from Jan. 1 to Dec. 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) 5.0 cfs and/or (b) not applicable to a municipal water right
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 18-inch diameter X 300-to-900 foot deep well(s)
with deep-well turbine pump(s), discharging into the City's integrated system of water mains and storage reservoirs.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 18 inches; proposed depth of well(s) is in the range of 300-to-900 feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? No; Drilling firm Project to be bid;
Well was drilled for (well owner) N/A; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is Five (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. City of Meridian, Idaho
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

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.

[illegible]

Total number of acres to be irrigated N/A.

10. Describe any other water rights used for the same purpose as described above. The City of Meridian's portfolio of municipal water rights appurtenant to its service area.
11. a. Who owns the property at the point of diversion? The City of Meridian.
b. Who owns the land to be irrigated or place of use? N/A to a municipal water right.
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A to a municipal water right.
12. Remarks: Attachments include: 1) a listing of the current elected officials of the City of Meridian, Idaho,
2) a location map showing the proposed point of diversion using a 7½-minute topographic base map.
3) updated map showing the present boundary of the City of Meridian water system service area as of 1-15-03.
This application is for municipal use. The City of Meridian seeks this water right to be in accord with the
Municipal Water Right Act of 1996, I.C. 42-202, 42-202B, 42-217, 42-219, 42-222 as a regular municipal water right
without domestic limitations. Water-bearing zone to be appropriated is 300-to-900 feet below land surface.
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 ½ "x 11" 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.


Signature of _____

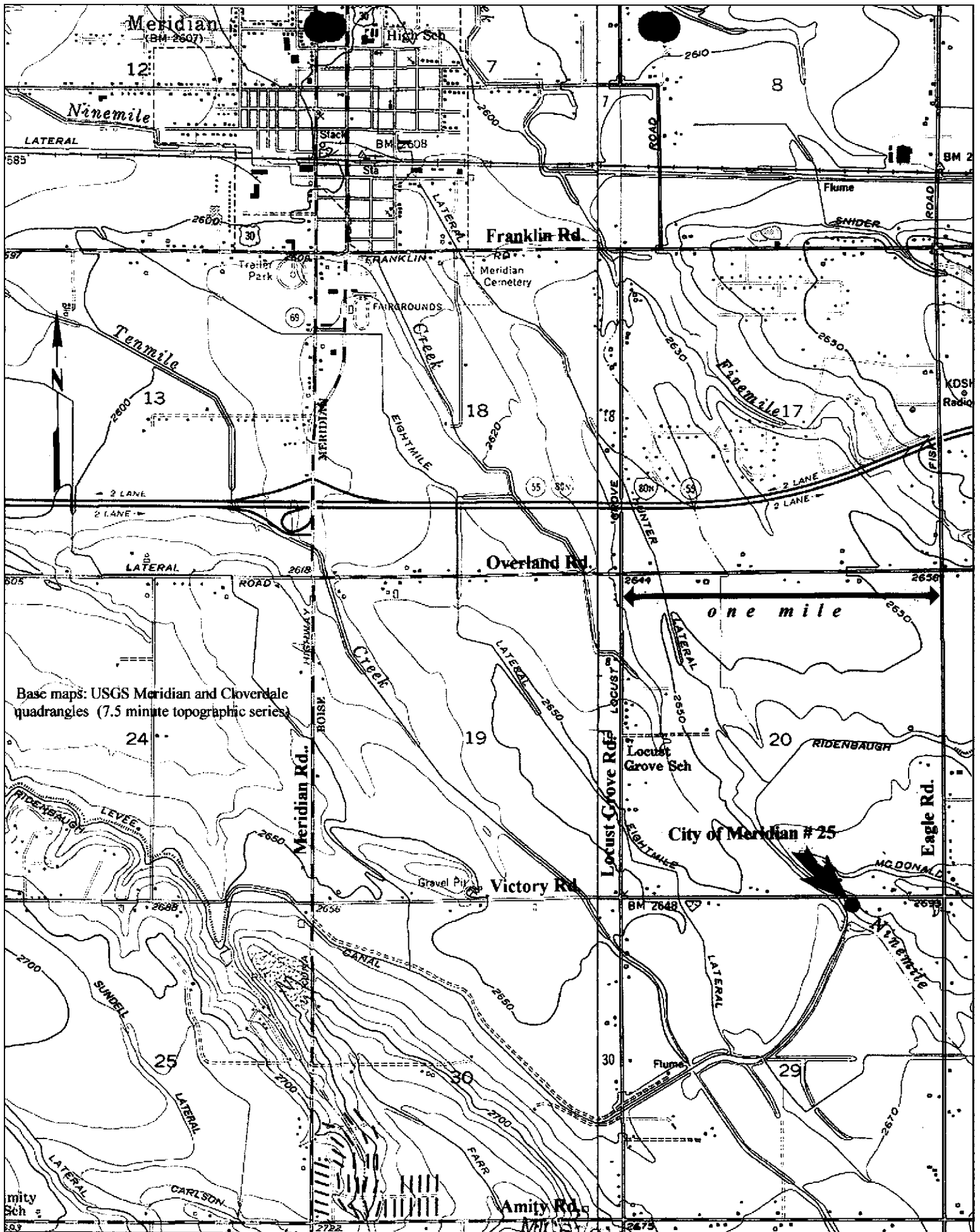
Mayor

Signature of the Applicant (and title, if applicable)

Received by KL Date 11/21/03 Time 2:08 Preliminary check by KL
 Fee \$ 410.00 Received by KL # W029993 Date 11/21/03
 Publication prepared by AK Date 2-20-03 Published in _____
 Publication approved _____ Date 3-10-03 THE IDAHO STATESMAN

MICROFILMED

559 0 0 909



SEP 10 2003

No Gov'ts

City of Meridian

Elected Public Officials

January 15, 2003

Mayor: Robert D. Corrie

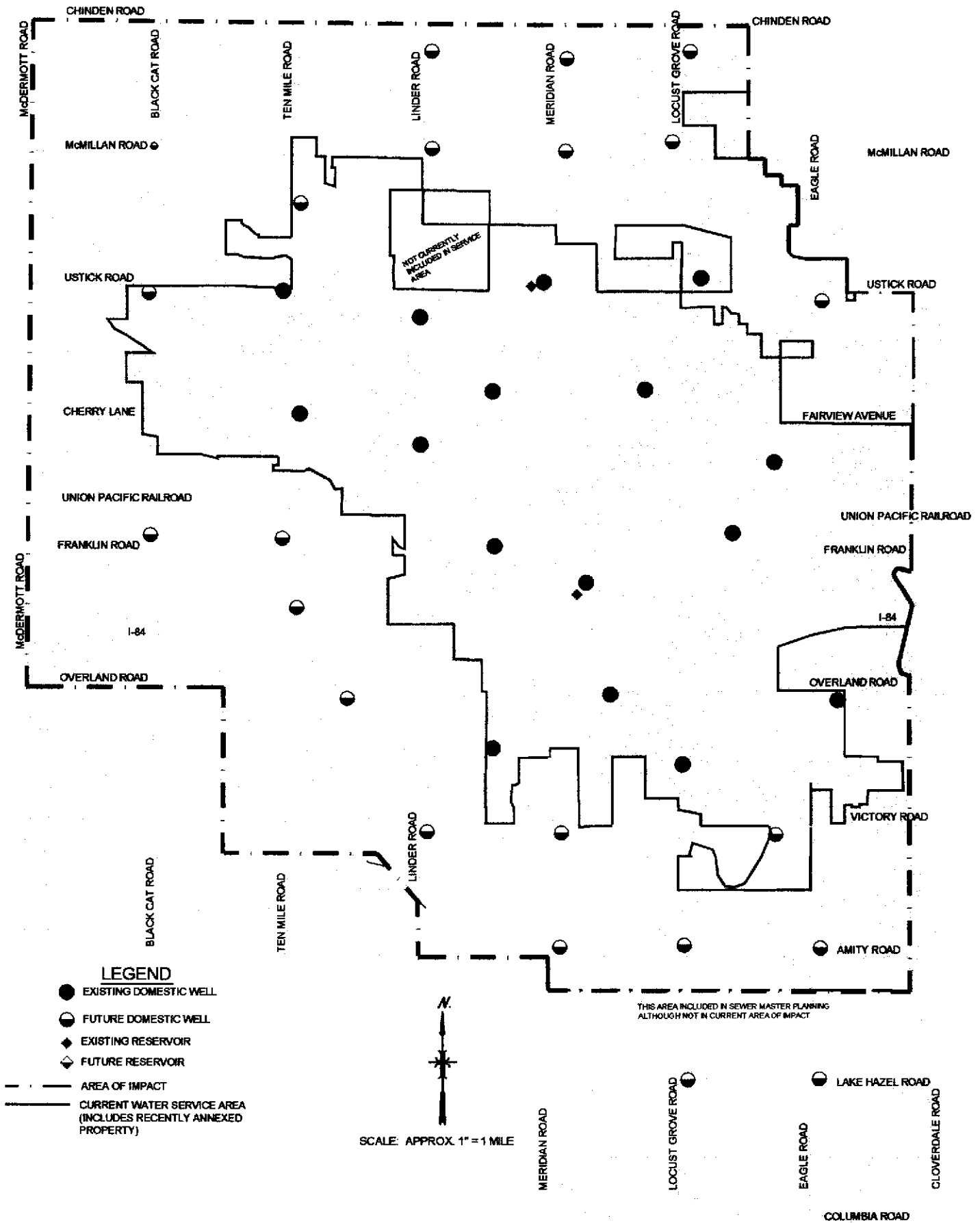
Council: William L.M. Nary
Keith Bird
Tammy deWeerd
Cherie McCandless

Address: 33 East Idaho Ave, Meridian, ID 83642
888-4433, Fax 887-4813

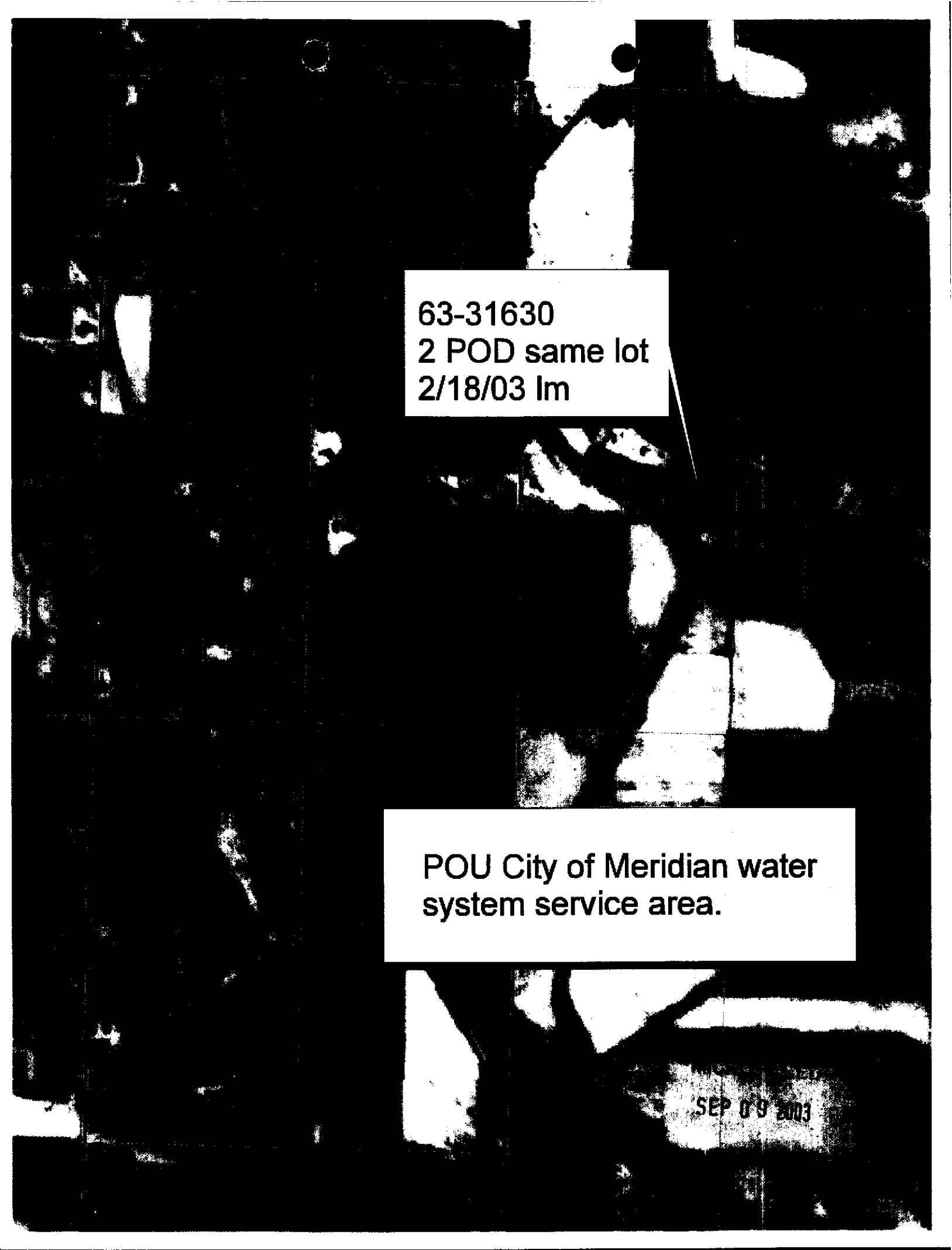
City Attorney: William F. Gigray, III
(contracted) *White, Peterson, Pruss, Morrow, & Gigray*
Attorneys at Law
P.O. Box 247
Nampa, ID 83652
466-9272

MICROFILMED
SEP 19 2003

CITY OF MERIDIAN WATER SYSTEM EXISTING SERVICE AREA
(8-9-02)



MICROFILMED
SEP 19 2003



63-31630
2 POD same lot
2/18/03 lm

POU City of Meridian water
system service area.

SEP 09 2003



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

April 29, 2003

CITY OF MERIDIAN
33 E IDAHO AVE
MERIDIAN ID 83642

RE: Permit No. 63-31630

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.

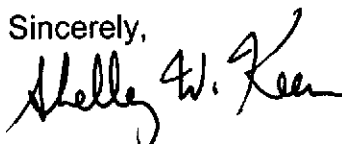
MICROFILMED

SEP 09 2003

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,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

cc: HYDRO LOGIC INC

MICROFILMED

SEP 09 2003

CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2003 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.

63-31630

**CITY OF MERIDIAN
33 E IDAHO AVE
MERIDIAN ID 83642**

**HYDRO LOGIC INC
1002 W FRANKLIN ST
BOISE ID 83702**



**Deborah J. Gibson
Administrative Assistant**

MICROFILMED

SEP 19 2003

**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. 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 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.

MICROFILMED
SEP 12 2003

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Comments
RECEIVED

APR - 7 2003

Department of Water Resources

Initial review by Ly Date 2/10/03 Application # 63-31630

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, the names and addresses for the director, officers, and other partners must be included)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County
- ☒ Quantity (Flow and /or Volume)
- ☒ Period of use
- ☒ Nature of proposed use (Include description of use)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map (Show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (for > 1 home in restricted area ≥ 5 homes in non-restricted area)
- ☒ Signature (if applicant is corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

Government Lots

☒ P/D

☒ P/U

ADDITIONAL INFORMATION

Y ADVERTISE REMARKS (Yes or No)

YES NO

- N/A ☒ Overlapping place of use (Describe source and relationship to present application on next page)
- ☒ Overlapping point of diversion proposed wells
- ☒ Critical groundwater area
- ☒ Ground water management area
- ☒ 1992 moratorium
- ☒ Surface water source, IDFG letter needed
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to Dam Safety staff (for any storage)
- ☒ Mitigation plan Check any that apply
 - ☒ Immediate = acceptable plan required and submitted
 - ☒ Future = open areas, acceptance of condition of approval is in file
- ☒ 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 THE APPLICANT

Date Requested _____ Date Response Received _____

PROCESSINGAPPLICATION # 63-31630

YES NO

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

SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USED

YES NO

- ☒ ☐ I.D. Environmental Quality
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

- ☐ ☒ US BLM
☐ ☒ US Forest Service
☐ ☒ Water Dist #
☐ ☒ Water Planning Bureau
☐ ☒ Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

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

- ☒ ☐ Publication dates and paper recorded on application
☐ ☒ Final date for protest 3-10-03
☐ ☒ Protests received
☐ ☒ Recommendations attached
☐ ☒ Measuring device required
☐ ☒ Water delivered by water master? District #
☒ ☐ Special conditions of approval or cover letter

046, 121, See withdrawal of protest & my response letter.

All water production zones for this water right must be at least 200 feet or more below land surface.

Recommended Date of Priority 1/21/03

Recommendation

☒ Approve☐ Deny

by

Gary S

Date

3/13/03
4/2/03**ADDITIONAL INFORMATION**☐ See attached proof report, note any Legal Notice Remarks &/or Comments☐ See attached shapefile

PROTEST INFORMATION SHEET

APPLICANT: CITY OF MERIDIAN
33 E IDAHO
MERIDIAN ID 83642

ED SQUIRES

PH: 342-8369

APPLICATION NO: 63-31630

DATE FILED: 1-21-03 **PROTEST DATE:** 3-10-03

PROTESTANT(S) NAME & ADDRESS:

BUREAU OF RECLAMATION
C/O E GAIL MCGARRY PN-3100
1150 N CURTIS RD STE 100
BOISE ID 83706

PH: 378-5306

Attorney Name & Address: Issues:

Applicant - Attorney - Name & Address:

Dates:

Hearing Notice: _____

Hearing Date: _____

Other: _____

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SEP 8 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 2, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CITY OF MERIDIAN
33 E IDAHO
MERIDIAN ID 83642

ED SQUIRES
1002 W FRANKLIN ST
BOISE ID 83702-5431

BUREAU OF RECLAMATION
C/O GAIL MCGARRY
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

Re: Application for Permit No. 63-31630 in the Name of the City of Meridian

Dear Parties:

This letter acknowledges the withdrawal of protest of the above-referenced application for permit. The prehearing conference scheduled for April 30, 2003 is cancelled.

The department will now continue to process this application. Because of recent changes in water right processing, IDWR is rarely incorporating into an approval the exact language of conditions agreed to in a settlement stipulation. Often the agreed-to conditions may only be referred to as a private agreement between the parties.

Based on the standards now being applied, I suspect the proposed conditions related to well construction will not be included as conditions of the water right approval. A water right permit will be issued as a preliminary order, and you may petition for reconsideration, file exceptions, and request a hearing if the conditions are not included.

If you have any questions please call this office.

Sincerely,

Gary Spackman

MICROFILMED

GS:st

SEP 05 2003



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

IN REPLY
REFER TO:

PN-3100
WTR-1.10

RECEIVED

MAR 27 2003

WATER RESOURCES
WESTERN REGION

March 26, 2003

Director,
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way

Re: Matter of Application for Permit No 63-31630

Dear Clark:

I am enclosing the Bureau of Reclamation's original Withdrawal of Protest. I faxed a copy earlier today. Please date stamp the copy and return it to me in the enclosed self-addressed, stamped envelope I have provided.

Sincerely,

Gail McGarry

MICROFILMED

SEP 08 2003

E . Gail McGarry,
PN-3100, Pacific Northwest Region
Bureau of Reclamation
1150 North Curtis Road
Boise, ID 83706
Telephone: 208-378-5306
Facsimile: 208-378-5305
Representative for the Bureau of Reclamation

RECEIVED
MAR 27 2003
WATER RESOURCES
WESTERN REGION

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NO. 63-31630

WITHDRAWAL OF PROTEST

RECITALS

1. On January 21, 2003, the City of Meridian filed an Application for Permit to appropriate groundwater in basin 63.
2. Accompanying the Permit was a letter from Mr. Ed Squires, the City of Meridian's consultant. The letter stated that the City requested that certain conditions be publicly advertised with its application and be conditions of approval for its permitted water right. Three of the conditions included were:
 - a. The water right holder shall extend un-perforated surface casing from land surface to a confining layer directly overlying the top of the aquifer open to the well.
 - b. The well(s) proposed as points of diversion for this water right shall be constructed with a surface casing that shall not, under any discovered (during drilling) circumstances, be less than 200 feet in length.
 - c. The well(s) proposed as points of diversion for this water right shall be sealed by the emplacement of a continuous (full-depth) surface seal consisting of low-permeability grout or chip bentonite within the annular space between the open drilled hole and the surface casing.

MICROFILMED

SEP 09 2003

3. The conditions were not included in the public notice.

4. On March 10, 2003, the Bureau of Reclamation filed a protest to the Application, requesting as a resolution adoption of all conditions requested by Mr. Squires and an additional condition.

5. To resolve the Bureau's protest, the parties have negotiated the withdrawal of the additional condition.

WITHDRAWAL OF PROTEST

Reclamation withdraws its protest with the understanding that the three conditions listed in recital #2 above are part of the approval of the application. In Mr. Squires' letter, the City of Meridian has already agreed to the conditions. Reclamation is not opposed to the adoption of the other two conditions in Mr. Squires' letter.

DATED this 20th day of March 2003.



E. Gail McGarry,
Program Manager,
Water Rights and Acquisition,
Pacific Northwest Region,
Bureau of Reclamation

MICROFILMED

SEP 09 2003

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of March 2003, I served a true and correct copy of the foregoing WITHDRAWAL OF PROTEST by delivering the same to each of the following, by the method indicated below, addressed as follows:

City of Meridian, Idaho
33 E. Idaho
Meridian, Idaho 83642

☒ U.S. Mail
☐ Facsimile
☐ Hand Delivery
☐ Overnight Mail

Ed Squires
Hydro Logic, Inc.
1002 W. Franklin St.
Boise, ID 83702

☒ U.S. Mail
☐ Facsimile
☐ Hand Delivery
☐ Overnight Mail

E. Gail McGarry
E. Gail McGarry

MICROFILMED
SEP 11 2003

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-31630 IN THE)
NAME OF THE CITY OF MERIDIAN)
_____)

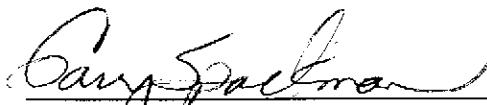
**NOTICE OF PREHEARING
CONFERENCE**

On January 21, 2003 the City of Meridian filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by the US Bureau of Reclamation.

IDWR has scheduled a prehearing conference for the protest to be held on **Wednesday, April 30 2003, at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

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

Dated this 21st day of March 2003.



Gary Spackman

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SEP 09 2003

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of March 2003, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:



Sue Taylor
Senior Secretary

CITY OF MERIDIAN
C/O ED SQUIRES
1002 W FRANKLIN ST
BOISE ID 83702

CITY OF MERIDIAN
33 E IDAHO
MERIDIAN ID 83642

E GAIL MCGARRY
BOR PACIFIC NW REGIONAL OFFICE
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

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SEP 8 5 2003

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

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SEP 19 2013



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 21, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CITY OF MERIDIAN
C/O ED SQUIRES
1002 W FRANKLIN ST
BOISE ID 83702

CITY OF MERIDIAN
33 E IDAHO
MERIDIAN ID 83642

Re: Application for Permit No. 63-31630

Dear Applicant:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to the above-referenced application.

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

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for April 30, 2003 at the Idaho Department of Water Resources, Western Region. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

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

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

Sincerely,



Gary Spackman

GS:st

Enclosure: Copy of protest(s)
Notice of Prehearing Conference

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SEP 9 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 20, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

E GAIL MCGARRY
BOR PACIFIC NW REGIONAL OFFICE
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

Re: Application for Permit No. 63-31630 in the Name of the City of Meridian

Dear Protestant:

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

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

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for April 30, 2003 at the Idaho Department of Water Resources, Western Region. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

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

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

Sincerely,



Gary Spackman

GS:st

Encl: Copy of Application
Notice of Prehearing Conference

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SEP 9 9 2003

RECEIVED

MAR 11 2003

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 10 2003

Department of Water Resources

NOTICE OF PROTEST

This form may be used to file a protest with the department under section 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all the necessary information.

1. Matter being protested Application for Appropriation of Water Rights, number 63-31630 by City of Meridian, 33 E Idaho Ave, Meridian ID 83642.

2. Name of Protestant United States Department of Interior Bureau of Reclamation

3. Protestant's representative for service (if different than Protestant)

E. Gail McGarry, Manager Water Rights and Acquisition, Pacific Northwest Regional Office, Bureau of Reclamation

4. Service mailing address

PN-3100, Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise Idaho 83706

5. Service telephone number (208) 378-5306

6. Basis of protest (including statement of facts and law upon which the protest is based)
Injury

7. What would resolve your protest?

Adoption of the conditions requested by January 16, 2003 letter of Mr. Ed Squires to the Department which accompanied the Application for permit, with #2 amended to read "The applicant shall extend an unperforated surface casing from land surface to a confining layer directly overlying the top of the aquifer open to the well. The existence of confined flow conditions in the underlying aquifer will be demonstrated through packer testing, prior to well completion."

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 10th day of March, 2003

United State, Protestant

E. Gail McGarry

PROTESTANT'S REPRESENTATIVE

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Certificate of Service

The undersigned does hereby certify that on this 16th day of March, 2003, he or she caused a true and correct copy of the Application for Permit 63-31630 transmitted by U.S. mail to the following:

Hydro Logic
Ed Squires
1002 W. Franklin St
Boise, ID 83702

City of Meridian
33 E. Idaho
Meridian, ID 83642

and hand delivered to:
The Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706-2237

S. Gai McGarry

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SEP 09 2003



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED

MAR 10 2003

WATER RESOURCES
WESTERN REGION

1445 North Orchard • Boise, Idaho 83706-2239 • (208) 373-0550

Dirk Kempthorne, Governor
C. Stephen Allred, Director

March 7, 2003

Lisa Mattson
Water Resources Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RE: Application for Permit No. 63-31630 in the name of the City of Meridian

Dear Ms. Mattson:

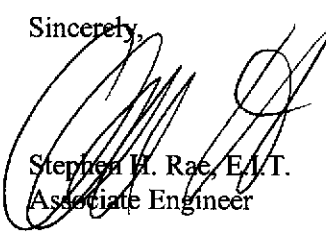
Thank you for the opportunity to respond to your e-mail of February 19, 2003. We have the following general comments regarding this project:

1. Modifications to Existing Public Drinking Water Systems

This project proposes modifications to an existing public drinking water system. All projects involving public drinking water systems must be designed by a professional engineer registered in the State of Idaho. Plans and specifications must be approved by this office prior to construction.

If you have any questions, please contact me at (208) 373-0162, or via e-mail at srae@deq.state.id.us.

Sincerely,



Stephen H. Rae, E.I.T.
Associate Engineer

cc: Charles W. Ariss, P.E., Regional Manager-Engineering, Boise Regional Office
Bob Ward, Boise Regional Office
File 24
Reading File

G:\Engineering\BSU Internship Program\Bob\PZ Comment Letters\JDWR-City of Meridian_3-7-03.doc

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SEP 8 9 2003

The Idaho Statesman

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

LEGAL ADVERTISING PROOF OF PUBLICATION

RECEIVED

MAR 10 2003

WATER RESOURCES
WESTERN REGION

Account	DTI Ad#	Identification					Amount
047628	821264	Legal Notice					\$60.84
Ordered by		P.O.#	Times Run	Lines	Columns	Legal #	
Sue Taylor			2	39		15702	
IDAHO DEPT WATER RESOURCE 2735 AIRPORT WAY BOISE, ID 83705 5082							

LEGAL NOTICE

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

63-31630
CITY OF MERIDIAN
33 E IDAHO AVE
MERIDIAN ID 83642

Point(s) of Diversion NENWNE S29 T03N
R01E ADA County Source GROUND WATER
Point(s) of Diversion NENWNE S29 T03N
R01E ADA County Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 5 CFS
Total Diversion: 5 CFS

Date Filed: 01/21/2003

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Municipal use is for applicants service area

Water bearing zone to be appropriated is from 300 to 900 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 03/10/2003. The protestant must also send a copy of the protest to the applicant.

Pub. Feb. 20, 27, 2003

15702

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: 2

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

beginning with the issue of: February 20, 2003

and ending with the issue of: February 27, 2003

STATE OF IDAHO

Iss

COUNTY OF ADA

On this

05

day of

March

in the year of

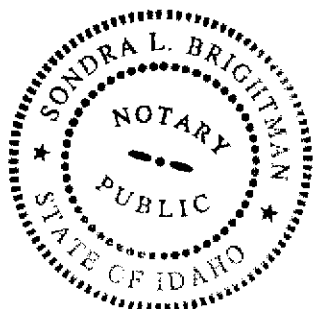
2003

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.

Rondia Z. Brightman
Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:

6/20/06



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SEP 09 2003

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant City of Meridian, Idaho
Mailing Address 33 E. Idaho
Meridian, Idaho 83642
Application No. _____
(if known)

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

XX WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Robert W. Carini

Date

01/14/03

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

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SEP 8 9 2003

January 16, 2003

Mr. Steve Lester
Water Rights Supervisor
State of Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

JAN 21 2003

WATER RESOURCES
WESTERN REGION

Dear Steve:

This letter accompanies an Application for Permit (to appropriate the public waters of the State of Idaho) on behalf of my client, the City of Meridian, Idaho (City or Meridian). The City continues to grow at a rapid pace and, with this application, seeks to appropriate an additional 5.0 cfs of groundwater for its municipal water supply. Under this cover letter, you will find the following documents:

- 1) A completed Application for Permit form signed by the Mayor of the City of Meridian.
- 2) A listing of the current elected officials of the City of Meridian.
- 3) A location map showing the proposed points of diversion using a USGS 7 1/2 -minute topographic series base map.
- 4) A map depicting the current extent of Meridian's municipal water service area.
- 5) A Request to Process form signed by the Mayor of the City of Meridian.

Over the past year, and in response to anxiety over evolving Conjunctive Management (of surface and ground waters) issues, the U.S Bureau of Reclamation (Reclamation or Bureau) has established a pattern of protesting municipal applications for groundwater development in the Boise River Valley. I have personally been involved with the protested filings of the Cities of Kuna and Caldwell. Permit Applications by United Water Idaho, Inc., a public municipal water provider, have also been protested by Reclamation. In all cases to date, the concerns of the Bureau have been addressed through conditional approval of the water right relative to the details of well construction. The settlement agreements have not, however, been resolved without significant expenditures of time by Department staff, agency administrators, legal representation, and consultants like me. Delay of the water right approval process is an end result. In the absence of up-front proactive attention to this issue, the same fate is expected for Meridian's current application.

The City believes it understands the Bureau's concerns over the potential direct interconnection between surface water and ground water obtained from wells. Indeed, Meridian and Reclamation share the common goal of ensuring a separation of surface and ground waters. All of the City's existing wells have been classified as "Groundwater Not Under the Direct Influence of Surface Water" by the Idaho Department of Environmental

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SEP 02 2003

Quality in response to professional hydrogeologic evaluations of its water well sources. Over the last ten year period, the City's municipal well designs evidence Meridian's conviction to effectively seal its wells from potential interconnection to surface waters and shallow ground waters.

A thorough review of Driller's Reports for the local area surrounding the proposed points of diversion suggest that a complex sedimentary sequence of inter-bedded sands, silts, and clays underlies the proposed City of Meridian #25 well site. Records of the deeper wells, including the City's own deep exploratory test-wells, indicate that significant cumulative thicknesses of low-permeability strata exist within the upper 200 feet of geologic section. It is the City's habit, and continuing intention, to case and continuously seal all new wells by utilizing full-depth surface seals and un-perforated casing from land surface to the top of target aquifer units; practices we believe should be enforced for all water wells including domestic wells.

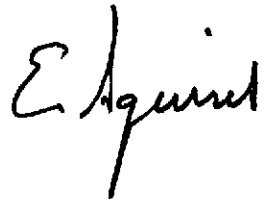
In order to expedite processing of this application, and to forestall the expense of the water right hearing process for all parties, the City agrees to, and requests that, the following preemptive conditions be publicly advertised with its application and to be predetermined as conditions of approval of its permitted water right:

- 1) The well(s) proposed as points of diversion for this water right shall be drilled using open-hole, fluid-rotary drilling techniques.
- 2) The water right holder shall extend un-perforated surface casing from land surface to a confining layer directly overlying the top of the aquifer open to the well.
- 3) The well(s) proposed as points of diversion for this water right shall be constructed with a surface casing that shall not, under any discovered (during drilling) circumstances, be less than 200 feet in length.
- 4) The well(s) proposed as points of diversion for this water right shall be sealed by the emplacement of a continuous (full-depth) surface seal consisting of low-permeability grout or chip bentonite within the annular space between the open drilled hole and the surface casing.
- 5) The water right holder shall ensure that the installation of the surface seal is inspected and documented by a professional Engineer or Geologist registered in the State of Idaho.

Please call me at 342-8369 with any questions you may have concerning this application or if you require additional information for processing. The City of Meridian acknowledges the on-going helpful assistance of the Department and especially that of your staff charged with processing the City's frequent water right applications. It is our hope that this complete application package and proactive recognition of the concerns of other water right holders will reduce the time commitment by the Department and streamline this key segment of the City's critical path to development of new water supplies for its residents.

Respectfully,

Ed Squires, R.P.G.
Hydro Logic, Inc.



c: Gary D. Smith, P.E., City of Meridian
E. Gail McGarry, U.S. Bureau of Reclamation

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SEP 19 2017

Mattson, Lisa

From: Mattson, Lisa
Sent: Wednesday, February 19, 2003 8:45 AM
To: 'srae@deq.state.id.us'
Subject: comment letter with attachment this time

February 19, 2003

STEVE RAE
DIV OF ENVIRONMENTAL QUALITY
BOISE REGIONAL OFFICE

Re: Application for Permit No. 63-31630 in the Name of City of Meridian.

Dear Mr. Rae:

Attached is a copy of the above-referenced application, which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application, your written protest along with the \$25.00 protest fee must be received in this office by March 10, 2003.

If you have any questions regarding the application, please contact Lori Graves at this office.

Sincerely,

Lisa Mattson
Water Resources Agent
Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705
334-2190 phone
334-2348 fax



63-31630.pdf

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SEP 9 9 2003

February 12, 2003

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Transfer Nos. 70262 and 70266 and
Water Right No(s). 63-31630

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find three legal notices 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 notices 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 03/10/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor

Senior Secretary

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SEP 10 2003

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

63-31630

CITY OF MERIDIAN
33 E IDAHO AVE
MERIDIAN ID 83642

Point(s) of Diversion NENWNE S29 T03N R01E ADA County Source GROUND WATER

Point(s) of Diversion NENWNE S29 T03N R01E ADA County Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 5 CFS

Total Diversion: 5 CFS

Date Filed: 01/21/2003

Remark: Applicant agrees to mitigate consumptive use in the future as needed.
Municipal use is for applicants service area
Water bearing zone to be appropriated is from 300 to 900 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 03/10/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho Statesman on February 20 and 27, 2003.

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