



T3N R1W S19

SWNE

NO GO
LOTS
SWNE
UNIT
IN
OAN
11-14-02.

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

An aerial photograph of a rural landscape, likely a farm or ranch, showing various fields, roads, and structures. A yellow grid is overlaid on the image. A specific area in the center-right is highlighted with a yellow dotted pattern. A yellow dot is located at the top of this highlighted area. Two black circular marks are visible at the top of the page.

Shape File Created
by Dan Nelson
11/14/2002

MICROFILMED

11/17/2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 103-31594 Telephone No. 208-939-1000
2. Name of Permit Holder(s): Thomas & Colleen Maile
3. Mailing Address: 380 W. State St.
City Eagle State Id Zip 83616
4. Source of Water: ground If **GROUNDWATER** (well), Date Drilled: mo. 01 / yr. 1989
Well Driller: Well & Pump Drilling Permit Number: 80-89-W-008
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 3 Stockwater (No. and type of stock): _____
no more than .5 acre per home
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .11 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No ✓
Has the measuring device been installed? Yes _____ or No ✓
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Thomas E. Maile Telephone Number: 939-1000
Address: 380 W. State St, Eagle, Idaho 83616
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: _____

(include your title, if on behalf of company or organization)

Date: 1/22/04

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FEB 10 2006

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31594

Priority: August 08, 2002

Maximum Diversion Rate: 0.11 CFS

This is to certify, that THOMAS G MAILE IV Or COLLEEN MAILE
380 W STATE ST
EAGLE ID 83616

have 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	0.11 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19, Twp 03N, Rge 01W, B.M., CANYON County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 01W 19			X														

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 1, 2004**.
2. Subject to all prior water rights.
3. Domestic use is for 3 homes.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right.
7. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

MICROFILMED

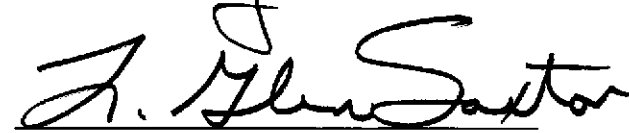
AUG 17 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31594

8. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 13th day of February, 2003.


for KARL J DREHER, Director

MICROFILMED

MAR 17 2003

RECEIVED

AUG 08 2002

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

JAN 30 2003

Department of Water Resources

1. Name of Applicant THOMAS G. MAILE, IV, AND COLLEEN MAILE Phone (208) 939-1372
Mailing address 380 WEST STATE STREET, EAGLE, ID 83616
2. Source of water supply GROUND WATER which is a tributary of _____
3. Location of point of diversion is Township 3N Range 9W1W Sec. 19 in the WEST 1/2 of LOT 6
SW NE SE Govt. Lot _____, B.M., CANYON County; _____
additional points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount .11 for DOMESTIC USE 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) .11 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 existing Well to provide domestic water to 3 houses
 - 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 126 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? 1-21-89; Drilling firm WELL & PUMP COMPANY, NAMPA
 Well was drilled for (well owner) BERTHA PENNINGTON; Drilling Permit No. 63-89-008
7. Time required for completion of works and application of water to proposed beneficial use is 1 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. 3 - PRESENTLY SERVES 1 HOUSEHOLD
 - e. Other; describe fully. 3 in

irrigating for
3 yard

9. Description of place of use: N/A

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	
13N	1W	19			D														

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. N/A Nampa Mendocino

ON 2613 lots, well will provide supplemental water

11. a. Who owns the property at the point of diversion? THOMAS G. MAILE, IV, AND COLLEEN MAILE

b. Who owns the land to be irrigated or place of use? THOMAS G. MAILE, IV AND COLLEEN MAILE

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: 90-130 feet (water bearing zone)

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"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.

Thomas G. Maile, IV
Signature of Applicant (and title, if applicable)

Received by KH Date 8/8/02 Time 11:41 Preliminary check by DAW
Fee \$ 100.00 Receipted by KH # W029560 Date 8/8/02
Publication prepared by AT Date 12-31-02 Published in PRESS TRIBUNE
Publication approved AT Date 1-23-03

MICROFILMED

MAY 17 2003

117
E.185

E 1/2 of Lot G
5823 Airport Rd.
Alberto Luwa

258.36

258.36

647.01

AIRPORT RD.

258.36

129.18

129.18

111.70

111.70

91.70

Present Home

2188.3

PARCEL 1
0.5 acre

3401

3402

3403

2

PARCEL 2

New Home

0.45 acre

3406

3405

3404

4300

Future Street
30' Set back

New Home

0.45 acre

CLARK PLACE

PLACE

108.37

108.36

89.37

3407

3408

3409

108.37

108.36

108.37

WELL & PARK LOT

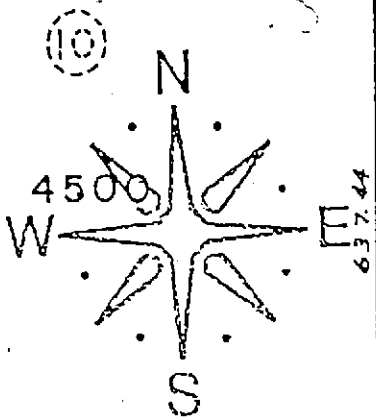
3411

3410

111.20

160.14

6
3412



This Map is attached solely for the purpose of assisting in locating the land and the Company assumes no liability for variations, if any.

NO GOVT
LOTS IN
SWNE

258.36

129.1

129.17

MICRO

70.14



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

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

USE PREWRITER OR
BALL POINT PEN
1989

1. WELL OWNER Name: <u>Mrs. Pennington</u> Address: <u>6114 Airport Rd. Nampa, 83687</u> Owner's Permit No.: <u>88-89-W-118</u>	7. WATER LEVEL Static water level <u>30</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ OF. Quality _____ <i>Describe artesian or temperature zones below:</i>																																																																																		
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☐ Pump ☐ Bailor ☐ Air ☐ Other <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped																																																																															
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3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Bore Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th colspan="2">Water</th> </tr> <tr> <th>From</th> <th>To</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr><td> </td><td>0</td><td>4</td><td>Top soil hard pan</td><td> </td><td>X</td></tr> <tr><td> </td><td>4</td><td>22</td><td>Sandy clay</td><td> </td><td>X</td></tr> <tr><td> </td><td>22</td><td>24</td><td>Loose lava</td><td> </td><td>X</td></tr> <tr><td> </td><td>24</td><td>26</td><td>Solid lava & gravel</td><td> </td><td>X</td></tr> <tr><td> </td><td>26</td><td>27</td><td>Sand & gravel</td><td> </td><td>X</td></tr> <tr><td> </td><td>27</td><td>31</td><td>Burnt sand & yellow clay</td><td> </td><td>X</td></tr> <tr><td> </td><td>31</td><td>33</td><td>Sand & gravel</td><td> </td><td>X</td></tr> <tr><td> </td><td>33</td><td>110</td><td>Coarse sand</td><td> </td><td>X</td></tr> <tr><td> </td><td>110</td><td>113</td><td>Sandy joint clay</td><td> </td><td>X</td></tr> <tr><td> </td><td>113</td><td>120</td><td>Coarse sand</td><td> </td><td>X</td></tr> <tr><td> </td><td>120</td><td>122</td><td>Hard clay</td><td> </td><td>X</td></tr> <tr><td> </td><td>122</td><td>126</td><td>Coarse sand, joint clay, gravel</td><td> </td><td>X</td></tr> </tbody> </table>	Bore Diam.	Depth		Material	Water		From	To	Yes	No		0	4	Top soil hard pan		X		4	22	Sandy clay		X		22	24	Loose lava		X		24	26	Solid lava & gravel		X		26	27	Sand & gravel		X		27	31	Burnt sand & yellow clay		X		31	33	Sand & gravel		X		33	110	Coarse sand		X		110	113	Sandy joint clay		X		113	120	Coarse sand		X		120	122	Hard clay		X		122	126	Coarse sand, joint clay, gravel		X
Bore Diam.	Depth		Material	Water																																																																															
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4. METHOD DRILLED ☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other	10. Work started <u>1-21-88</u> finished <u>1-21-88</u>																																																																																		
5. WELL CONSTRUCTION Casing schedule: ☐ Steel ☐ Concrete ☐ Other <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>250 inches</td> <td>8 inches</td> <td>15 feet</td> <td>120 feet</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>20</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Pudding clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent ☐ Cemented between strata Describe access port _____	Thickness	Diameter	From	To	250 inches	8 inches	15 feet	120 feet													Number	From	To										11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name _____ Firm No. <u>11-1</u> Address _____ Date <u>5-1-88</u> Signed by (Firm Official) _____ and _____ (Operator) _____																																																		
Thickness	Diameter	From	To																																																																																
250 inches	8 inches	15 feet	120 feet																																																																																
Number	From	To																																																																																	
6. LOCATION OF WELL Sketch map location must agree with written location. Subdivision Name _____ Lot No. _____ Block No. _____ County _____	USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT																																																																																		

REQUEST TO PROCESS

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

Name of Applicant

Thomas Maile or Colleen Maile

Mailing Address

380 W. STATE

EAGLE, ID 83616

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.

Colleen

___ 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 also understand that the Director will not require mitigation until 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

Thomas Maile

Date

11/14/02

MICROFILMED

MAR 17 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

February 11, 2004

THOMAS G MAILE IV
COLLEEN MAILE
380 W STATE ST
EAGLE ID 83616

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-31594

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.state.id.us.

If you have questions, please contact the **Western** Regional Office of the department in Boise (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

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FEB 10 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 63-31594

Reviewed By: dgibson

Date: February 10, 2004

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:	80-89-W-008	
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	W029560, C072453		Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	01/27/2004
Date proof due	- 03/01/2004
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 08/08/2002
New priority date	= 08/08/2002

Deficiencies of Actions Items

Acknowledge proof.

THOMAS MAILE REAL ESTATE COMPANY LLC

380 WEST STATE STREET
EAGLE, IDAHO 83616

(208) 353-6298 / Fax (208) 939-1001

January 23, 2004

RECEIVED
JAN 27 2004
Department of Water Resources

State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Re: 5811 Airport Road, Nampa, Idaho
Our Green File Number M2004-37

To Whom It May Concern:

Please find enclosed our executed Proof of Beneficial Use form along with a check in the amount of \$50.00 for the license exam fee.

Should you have any questions, please feel free to contact our office.

Sincerely,

Dictated and Forwarded
Without Signature to Avoid Delay

Thomas G. Maile, IV

TGM
S:\WPDATA\H5813AIRPIDWR.LTR
Enclosures

MICROFILMED
FEB 10 2004

December 31, 2003

THOMAS G MAILE IV
COLLEEN MAILE
380 W STATE ST
EAGLE, ID 83616

PROOF DUE NOTICE

RE: PERMIT NO. 63-31594

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 01, 2004. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

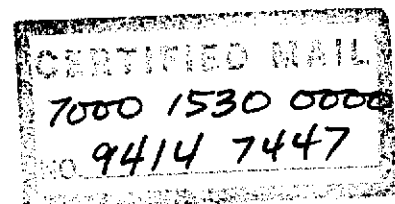
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



MICROFILMED

FEB 10 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

February 13, 2003

THOMAS G MAILE IV
COLLEEN MAILE
380 W STATE ST
EAGLE ID 83616

RE: Permit No. 63-31594

Permit Approval Notice

Dear Permit Holder:

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

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

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

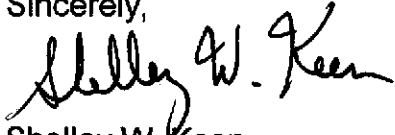
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED

MAR 17 2003

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klr

Enclosure(s)

MICROFILMED

MAR 17 2003

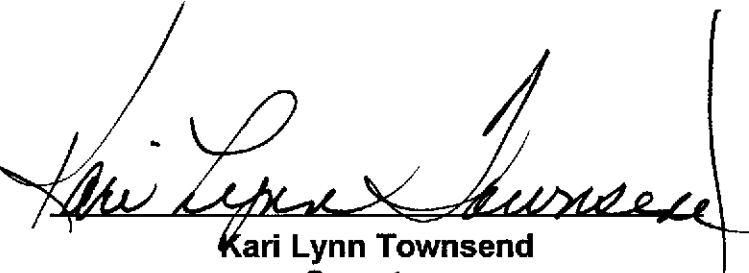
CERTIFICATE OF SERVICE

I hereby certify that on February 13, 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.

63-31594

**THOMAS G MAILE IV
COLLEEN MAILE
380 W STATE ST
EAGLE ID 83616**



**Kari Lynn Townsend
Secretary**

MICROFILMED

MAR 17 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by DAN Date 11-12-02 Application # 63-31594

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
NO P/D
NO P/U

ADDITIONAL INFORMATION

YES ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ Overlapping place of use (Describe source and relationship to present application on next page) NO SIGNIFICANT OVERLAP Water Nampa Meridian Irrig. Dist
- ☒ Overlapping point of diversion WATER OVERLAPS PIU. NO OTHER OVERLAP FOR P/D & PIU. SEEM SIGNIFICANT
- ☒ Critical groundwater area
- ☒ Ground water management area
- ☒ 1992 moratorium Domestic use.
- ☒ Surface water source, IDFG letter needed
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to SCA staff (perennial stream, non-pump diversion &/or any mining)
- ☒ 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 # 63-31594

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 12-23-02

☐ ☒ Protests received

☐ ☒ Recommendations attached

☐ ☒ Measuring device required

☐ ☒ Water delivered by water master? District #

☒ ☐ Special conditions of approval or cover letter

Standard conditions - well drilling upgrade
needed.

Recommended Date of Priority

8-8-02

Recommendation

☒ Approve☐ Deny

by

Daniel H. Nelson

Date

1-28-03**ADDITIONAL INFORMATION**☒ See attached proof report, note any Legal Notice Remarks &/or Comments☒ See attached shapefile

Shape File Created
by Dan Nelson
11/14/2002

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2003

RECEIVED

JAN 23 2003

WATER RESOURCES
WESTERN REGION

e0100285 04510030
Sue Taylor
1 Idaho Dept. of Water Resources
Legal Account
Western Region
2735 Airport Way
Boise ID 83705

LEGAL NOTICE

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

63-31594
THOMAS G MAILE
380 W STATE ST
EAGLE ID 83616
COLLEEN MAILE
380 W STATE ST
EAGLE ID 83616

Point(s) of Diversion

SWNE

S19

T03N

R01W

CANYON County

Source GROUND WATER

Use: DOMESTIC

01/01 To 12/31

0.11 CFS

Total Diversion: 0.11 CFS

Date Filed: 08/08/2002

Place Of Use: DOMESTIC

T03N R01W S19

SWNE

Remark: Applicant agrees to mitigate consumptive use in the future as needed. Domestic use is for 3 homes and 3 yards.

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 12/23/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
December 5, 12, 2002. 04510030



AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Rae L. Barbosa
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 Principle 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:

12/05/2002, 12/12/2002

Rae L. Barbosa

STATE OF IDAHO)
County of Canyon)

On this 21st day of Jan in the year of 2003 before me a Notary Public, personally appeared John E. Dillon, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Rebecca L. Thompson

Notary Public for Idaho

Residing at Nampa

My Commission expires April 19, 2008

MICROFILMED

MAR 17 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 26, 2002

Legal Notice Department

Press-Tribune

PO Box 9399

Nampa ID 83652

RE: Application for Permit No. 63-31594

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 12/23/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED

NOV 27 2002

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

63-31594

THOMAS G MAILE
380 W STATE ST
EAGLE ID 83616
COLLEEN MAILE
380 W STATE ST
EAGLE ID 83616

Point(s) of Diversion SWNE S19 T03N R01W CANYON County Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.11 CFS

Total Diversion: 0.11 CFS

Date Filed: 08/08/2002

Place Of Use: DOMESTIC

T03N R01W S19 SWNE

Remark: Applicant agrees to mitigate consumptive use in the future as needed.
Domestic use is for 3 homes and 3 yards.

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 12/23/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Press Tribune on December 5 and 12, 2002.

THOMAS MAILE

08/17/2002

THOMAS MAILE REAL ESTATE COMPANY

380 WEST STATE STREET, EAGLE, IDAHO 83616

(208) 939-1000 / Fax (208) 939-1001

Email: mailebox@nidlink.com

April 19, 1999

RECEIVED

AUG 08 2002

WATER RES. DIV.
WESTERN REGION

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: 5811 Airport Road, Nampa, Idaho
Application for Water Permit - Domestic Use
Our File No. M02-0037.0

To Whom It May Concern:

Please find enclosed an **ORIGINAL** (domestic use) Application for Permit relating to property at 5811 Airport Road. We are also enclosing our check in the amount of \$100.00 for your fee, along with a copy of the Well Driller's Report completed in 1989. Based upon information and belief, the Well Driller's Report should relate to 5811 Airport Road, rather than 5813 Airport as stated in the report.

The purpose of the application is to supply domestic-use water for two (2) homes, where the existing well presently provides domestic-use water for one home. The prior owner of the property, Bertha Pennington, had the existing well drilled. From the Report, the well appears to provide a good source of water flow.

Should you have any questions, please feel free to call.

Sincerely,

Thomas G. Maile, IV

TGM

FAWPDATA\H5811AIRPWATERRES.LTR

Enclosures