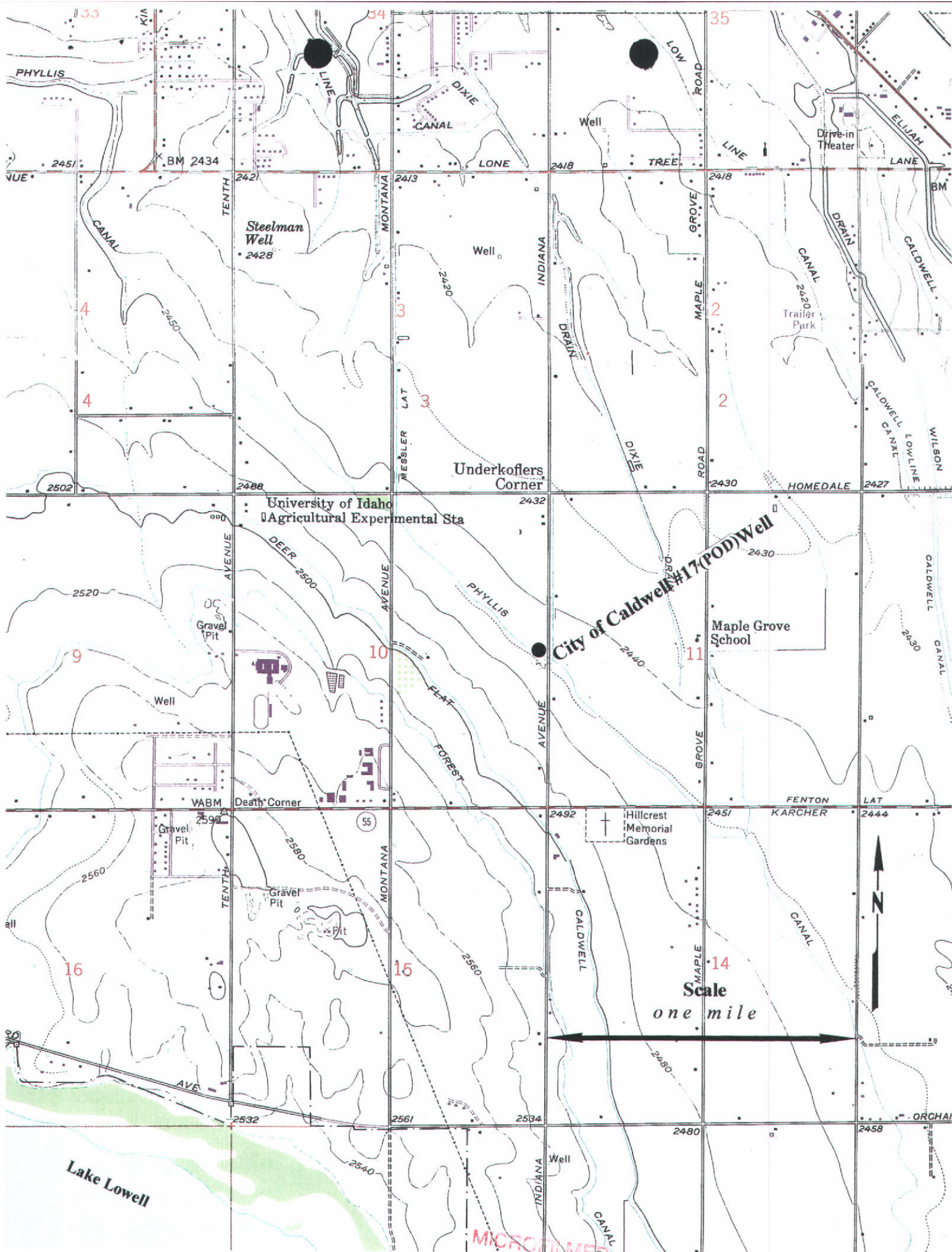




MICROFILMED

MAR 20 2003

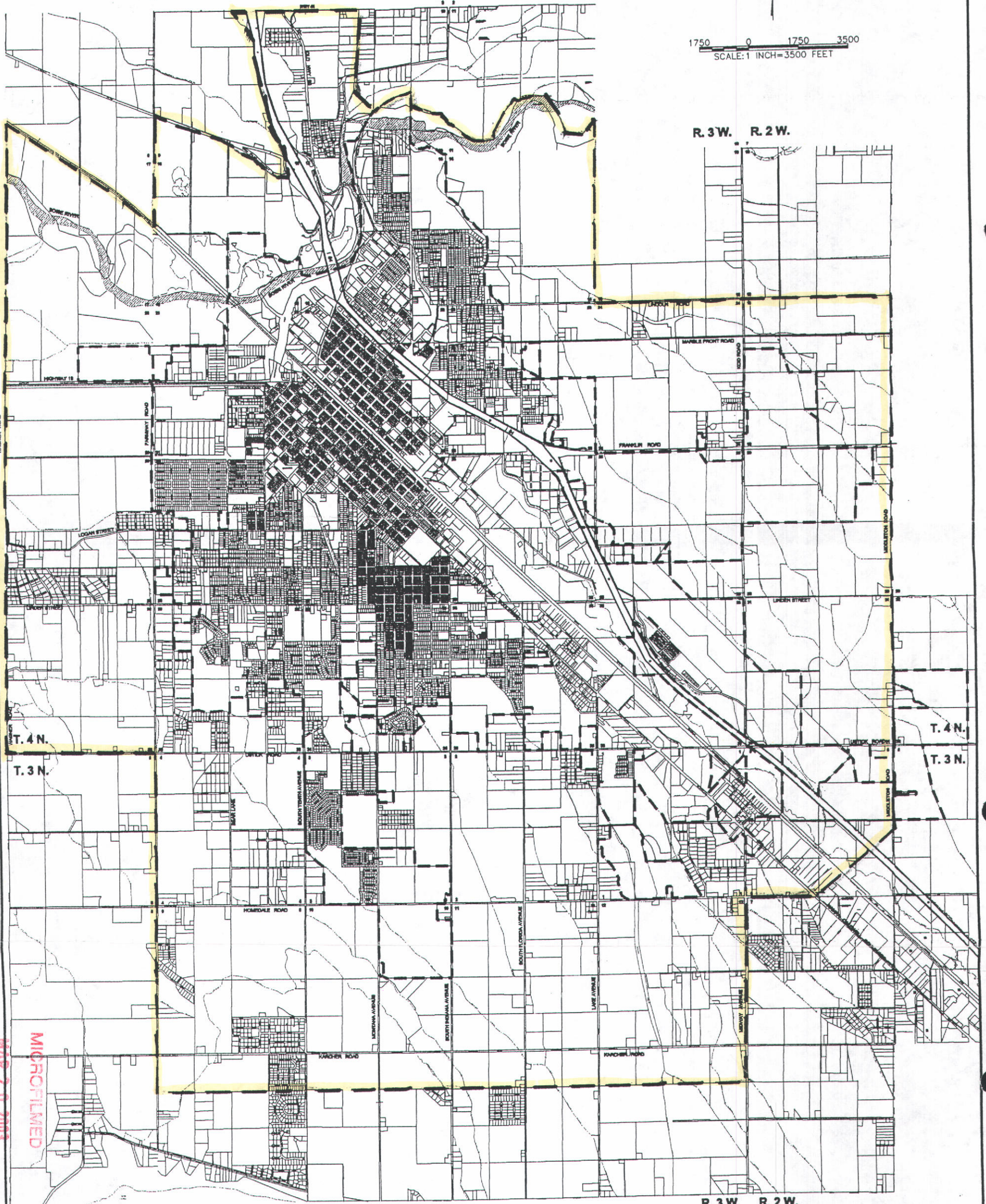
CITY OF CALDWELL

BASE MAP



1750 0 1750 3500
SCALE: 1 INCH=3500 FEET

R. 3W. R. 2W.



MAR 20 2003

MICROFILMED

--- IMPACT AREA
--- CITY LIMITS

R. 3W. R. 2W.



HOLLADAY ENGINEERING CO.

by Holladay Engineering Co.
All Rights Reserved

G:\MAPS\CALDWELL\ZONES

CITY OF CALDWELL #17 SUPPLY WELL - PROPOSED WELL CONSTRUCTION

City of Caldwell #17

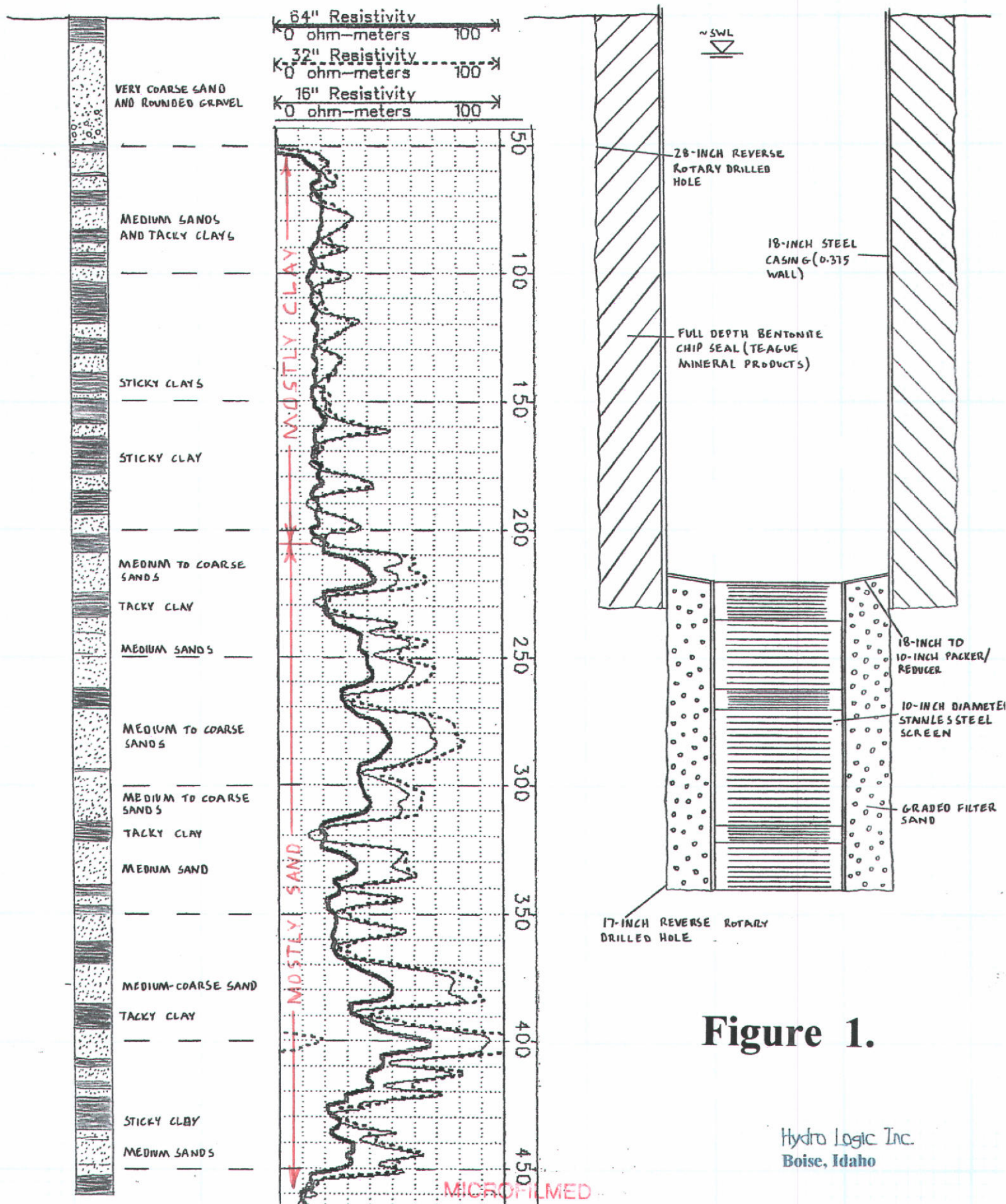
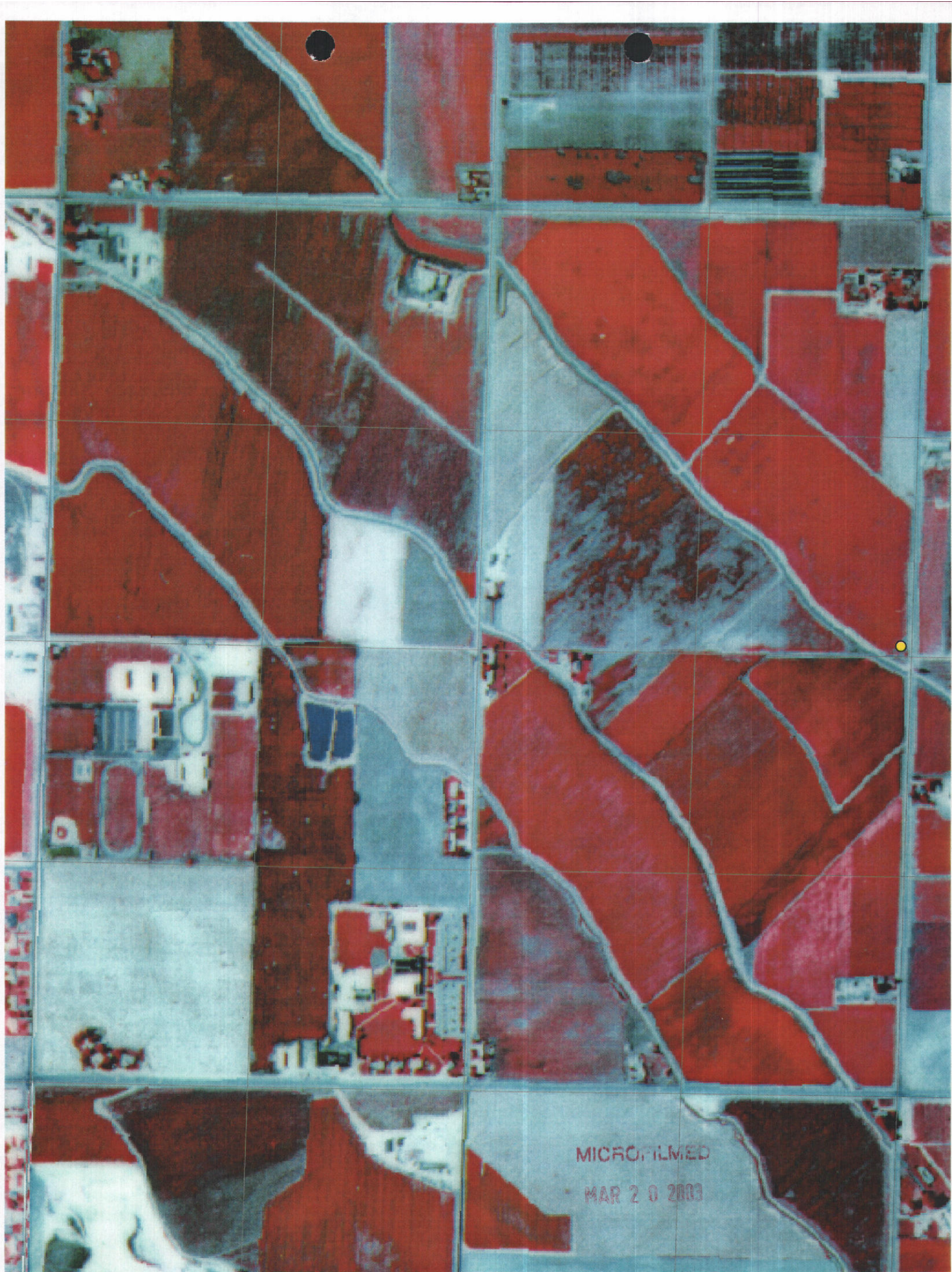


Figure 1.

Hydro Logic Inc.
Boise, Idaho

MICROFILMED

MAR 20 2003



MICROFILMED

MAR 20 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-31550

Priority: September 20, 2002

Maximum Diversion Rate: 4.90 CFS

This is to certify, that CITY OF CALDWELL
621 E CLEVELAND BLVD
CALDWELL ID 83605

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	4.90 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp 03N, Rge 03W, B.M., CANYON County

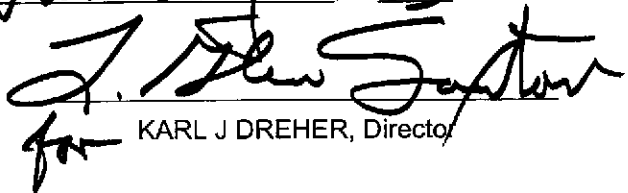
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2008**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
5. 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.
6. Water bearing zone is between 260 and 900 feet.
7. Place of use is within the service area of the City of Caldwell municipal water supply system as provided for under Idaho Law.
8. 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.
9. The well serving as the point of diversion for this right shall be continuously cased and sealed from land surface to the top of the proposed target aquifer at 216 feet below ground level. The full depth surface seal for the well shall consist of solid bentonite chips poured into place as an envelope to a centralized well casing.
10. Failure of the right holder to comply with any condition of approval is cause for the Director to void 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 9th day of January, 2003.

MICROFILMED

MAY 14 2003


for KARL J DREHER, Director

RECEIVED

SEP 20 2002

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JAN - 3 2003

To appropriate the public waters of the State of Idaho

Department of Water Resources

** Please direct all inquiries to Ed Squires at 342-8369*

1. Name of applicant City of Caldwell Well #17 Phone (208) 342-8369
Mailing address 621 Cleveland Blvd., Caldwell, Idaho 83605
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 3N, Range 3W, Sec. 10, in the SE $\frac{1}{4}$,
SE $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot. South Park 2 sub, Parcel 1, B.M., _____ County; Canyon.
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount _____ 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) 4.9 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 An 18-inch diameter, deep well, with a deep well turbine pump, discharging into the City's integrated system of water mains and 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 is 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? _____; Drilling firm _____
Well was drilled for (well owner) City of Caldwell Drilling Permit No. D00
7. Time required for completion of works and application of water to proposed beneficial use is 5 years 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 Caldwell
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

continued on reverse

MICROFILMED

MAR 20 2003

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 Caldwell'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 Caldwell
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 list of current elected officials of the City of Caldwell, 2) a map showing the point of diversion, 3) an updated map showing the present boundary of the City of Caldwell's water-system service area/area of impact, and 4) a signed Request to Process form. This application is for municipal use. The City of Caldwell 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 is for current needs; no future needs component requested. Aquifer zone to be appropriated is 260-to-900 feet below ground.
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2 "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.

Garret L. Vander

Signature of the Applicant (and title, if applicable)

Received by Kh Date 9/20/02 Time 9:10 Preliminary check by Ly
 Fee \$ 410.00 Received by Kh # W029723 Date 9/20/02
 Publication prepared by alt Date 10-31-02 Published in _____
 Publication approved alt Date 10-21-02 **PRESS TRIBUNE**

MAYOR

GARRET L. NANCOLAS

CITY CLERK

BETTY JO KELLER



COUNCIL MEMBERS

RICK WELLS
DENNIS CALLSEN
MIKE GABLE

JERRY LANGAN
SHANNON OZUNA
ROB HOPPER

City of Caldwell

Elected Public Officials

September, 2002

Mayor:

Garret L. Nancolas

Council:

Rick Wells
Dennis Callsen
Mike Gable
Jim Tallmon
Shannon Ozuna
Rob Hopper

Address:

621 Cleveland Blvd., Caldwell, ID 83605
455-3000, Fax 455-3003

City Attorney:
(contracted)

Mark Hilty
Hamilton, Michaelson, and Hilty

MICROFILMED

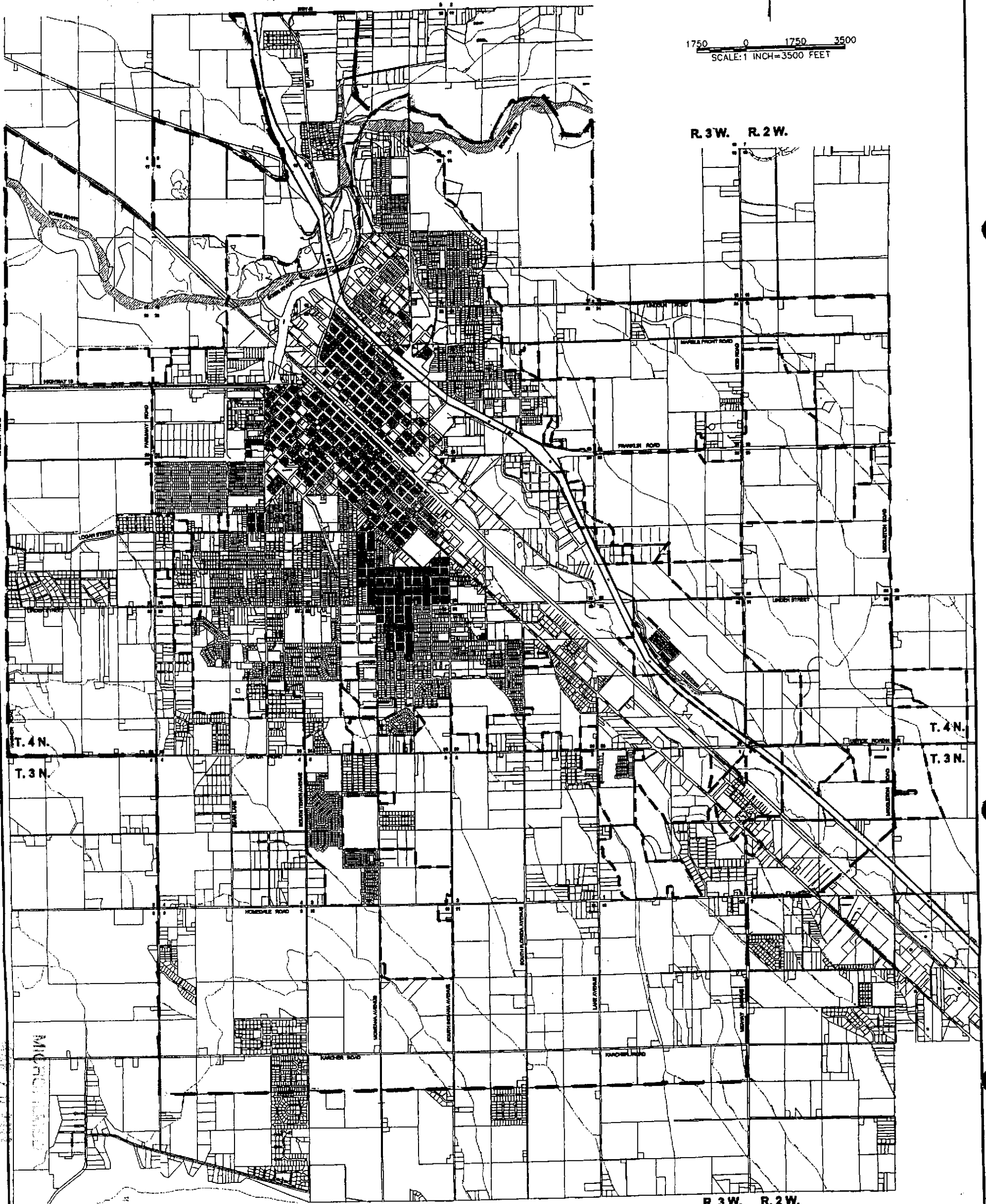
SEP 2 6 2002

CITY OF CALDWELL

BASE MAP

1750 0 1750 3500
SCALE: 1 INCH=3500 FEET

R. 3 W. R. 2 W.



——— IMPACT AREA
- - - - - CITY LIMITS



HOLLADAY ENGINEERING CO.

by Holladay Engineering Co.
All Rights Reserved

G. MAPS/CALDWELL/ZONES



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

January 10, 2003

CITY OF CALDWELL
621 E CLEVELAND BLVD
CALDWELL ID 83605

RE: Permit No. 63-31550

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.

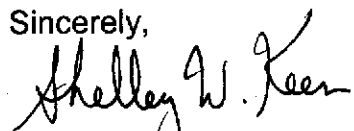
MICROFILMED

MAR 2 11 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,



Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

MICROFILMED

MAR 20 2003

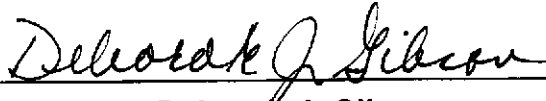
CERTIFICATE OF SERVICE

I hereby certify that on January 10, 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.

63-31550

**CITY OF CALDWELL
621 E CLEVELAND BLVD
CALDWELL ID 83605**

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

**Deborah J. Gibson
Administrative Assistant**

MICROFILMED

MAR 20 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.

MICROFILMED

MAR 20 2005

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.

MICHOI LEMED
MAR 2 8 2003

MEMORANDUM

Date: January 09, 2003
To: Water Right File 63-31550
From: dgibson
Re: Permit Review

This permit references the agreement between the protestant and the right holder in letter written 12/3/2002 by BOR.

WATER RIGHTS

12/3/2002

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by ly Date 9/23/02 Application # 63-31550

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

7 ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ ☐ Overlapping place of use (Describe source and relationship to present application on next page)
- ☐ ☒ Overlapping point of diversion
- ☐ ☒ 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 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 # 63-31550

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 10-21-02
☒ ☒ Protests received
☒ ☒ Recommendations attached
☒ ☒ Measuring device required
☒ ☒ Water delivered by water master? District # _____
☒ ☒ Special conditions of approval or cover letter

Conditions of withdrawal of BOR's protest, dated 12/3/02 must be included verbatim. Also 121 & 046 - Must comply with all health & environmental laws, rules & regulations

Recommended Date of Priority 9/20/02Recommendation ☒ Approve ☐ Deny by Chrys Date 12/28/02**ADDITIONAL INFORMATION**☒ See attached proof report, note any Legal Notice Remarks &/or Comments☒ See attached shapefile



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 4, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

US DEPT OF INTERIOR
BUREAU OF RECLAMATION
214 BROADWAY AVE
BOISE ID 83702-7298

CITY OF CALDWELL
621 CLEVELAND BLVD
CALDWELL ID 83605

Re: Application for Permit No. 63-31550 in the Name of the City of Caldwell

Dear Parties:

This letter is to acknowledge the withdrawal of protest of the above referenced application for permit.

The department will now continue to process this application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

A handwritten signature in cursive script that reads 'Gary Spackman'.

Gary Spackman

GS:st

MICROFILMED

SEP 11 2003



United States Department of the Interior

BUREAU OF RECLAMATION

Snake River Area Office
214 Broadway Avenue
Boise, Idaho 83702-7298

IN REPLY REFER TO:

PN-3100
WTR-1.10

DEC - 3 2002

RECEIVED
DEC 04 2002
WATER RESOURCES
WESTERN REGION

Mr. Gary Spackman
Western Regional Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83702-5082

Subject: Application for Permit No. 63-31550

Dear Mr. ^{Gary}Spackman:

The City of Caldwell filed an Application for Permit No. 63-31550 on September 20, 2002. On October 21, 2002, the United States Department of the Interior Bureau of Reclamation protested the Application. With the Notice of Protest, Reclamation stated specific conditions which, if placed in the water permit and water right, would resolve the protest. Through negotiations, the parties have agreed that the following conditions if placed in the water right permit and license would resolve Reclamation's protest.

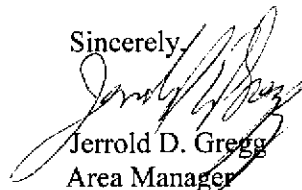
1. "The proposed new well is continuously cased and sealed from land surface to the top of the proposed target aquifer at 216 feet below ground level."
2. "The full depth surface seal consist of solid bentonite chips, poured into place as an envelope to a centralized well casing."

Provided the Idaho Department of Water Resources (Department) will incorporate the above conditions in the form set forth herein in any permit and license issued in connection with the Application, Reclamation agrees to withdraw its protest, and Reclamation agrees to the Department's further processing of the Application without a hearing.

Further, the parties understand that the Department may include additional conditions in any permit or license as it deems appropriate, and provided such additional conditions are not inconsistent with the above conditions, they shall not negate the withdrawal of the protest.

If you have any questions, please call Gail McGarry in our Regional office at 208-378-5306.

Sincerely,


Jerrold D. Gregg
Area Manager

cc: Ed Squires
Hydro Logic Inc.
988 S. Longmont Ave., Suite 100
Boise, ID 83706

City of Caldwell
621 E. Cleveland Blvd.
Caldwell, ID 83605

WATER RESOURCES

DEC 10 2002

November 19, 2002

E. Gail McGarry
Manager Water Rights and Acquisition
PN-3100
United States Bureau of Reclamation
1150 North Curtis Road
Suite 100
Boise, Idaho 83706

RECEIVED
NOV 21 2002
WATER RESOURCES
WESTERN REGION

Dear Gail,

I write in response to the Bureau of Reclamation's (Bureau or Reclamation) protest of the City of Caldwell's municipal water rights Application for Permit No. 63-31550 dated October 21, 2002. Specifically, I wish to address your stated concerns over injury to Reclamation's surface water rights and the suggested conditions under which the Bureau would withdraw its protest.

My company, Hydro Logic, Inc., is consultant to the City of Caldwell (City) in this matter. We have just completed an exploratory test-well bore at the proposed future well site (Figure 1). Hydro Logic geologists were on site during drilling to log drill cuttings and to conduct borehole geophysical surveys in the open bore. Reduced versions of the geophysics are plotted with respect to the drilled geologic section on the attached Figure 1 for your review.

The nature of the Boise Valley aquifer at this location can best be described as complexly interbedded sediments. In other words the subsurface section is comprised of alternating thin stratigraphic units of sands and silty clays. Individual sand aquifers typically are no more than 10-to-15 feet in thickness separated by equally thin clay lenses. The water-bearing section is limited at depth by warm temperatures which can exceed 85 degrees F at less than one thousand feet below land surface. Therefore, possible well completion intervals for municipal supply wells are also limited. For example, within the upper 800 feet at the proposed Caldwell #17 well site, target aquifer sands exist between 220-to-450 feet. Below 450 feet, insufficient sand strata are present to develop a large capacity, fire-protection and municipal supply well such as is required by the City. Underlying the Whitney Terrace gravels of the ancestral Boise River (10-to-50 feet below land surface) is a relatively thick clay-dominated section of low-permeability sediments. Not only does this interval of fine-grained sediment protect the deeper aquifers from the threat of surficial contamination from surface land use activities, but is also provides a great degree of separation from hydraulic interconnection with surface waters. From the base of the Whitney Terrace gravels (at 50 feet) to the top of the proposed completion interval of the City's proposed well (235 feet) exist a cumulative thickness of over 100 feet of low-permeability silty clays and clayey silts.

To preserve the protective layering of the natural sediments around its wells, the City utilizes fluid-rotary well drilling techniques that allow for the installation of "full-depth"

HYDRO LOGIC, INC.

bentonite chip seals over the entire geologic section (Figure 1). It is the City's conviction that the natural stratification of the low-permeability sedimentary sequence above 235 feet, in concert with the proposed sealed well construction, that Reclamation's concerns over separation from surface water sources are also satisfied. Said differently, we believe the City's and Reclamation's goals of separation of surface and groundwater sources are the same. Given what we now know about site specific hydrogeology, the City proposes that the general intent of Reclamation's withdrawal conditions be complied with; subject to the following changes:

- 1) That the proposed new well be continuously cased and sealed from land surface to the top of the proposed target aquifer at 235 feet below ground level.
- 2) That the full depth surface seal consist of solid bentonite chips, poured into place as an envelope to a centralized well casing.

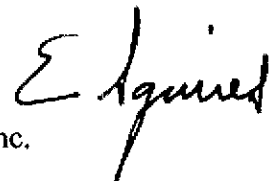
The City believes strongly that pliable bentonite-based seals are superior to cement grout seals because of the potential for shrinkage, cracking, and disaggregation of cement-type grouts. Using cement grouts also complicates seal emplacement owing to the limited working time (even with retardants) whenever difficulties are encountered.

The City understands Reclamation's protest and water rights concerns and we hope that you perceive we have the same concerns with respect to separating ground water and surface water sources. The City's water right application has been held up for about a month waiting for the exploratory test-well drilling results so that we could best address your protest with detailed subsurface knowledge. We would, now, very much appreciate your expedited action to assist us in the resolution of your protest so that the City's application can continue to move toward final approval.

Please contact me to discuss this proposal. I can be reached at 342-8369. Thank you.

Respectfully,

Ed Squires
Hydro Logic, Inc.



cc: Gordon Law, City of Caldwell
Gary Spackman, IDWR

CITY OF CALDWELL #17 SUPPLY WELL - PROPOSED WELL CONSTRUCTION

City of Caldwell #17

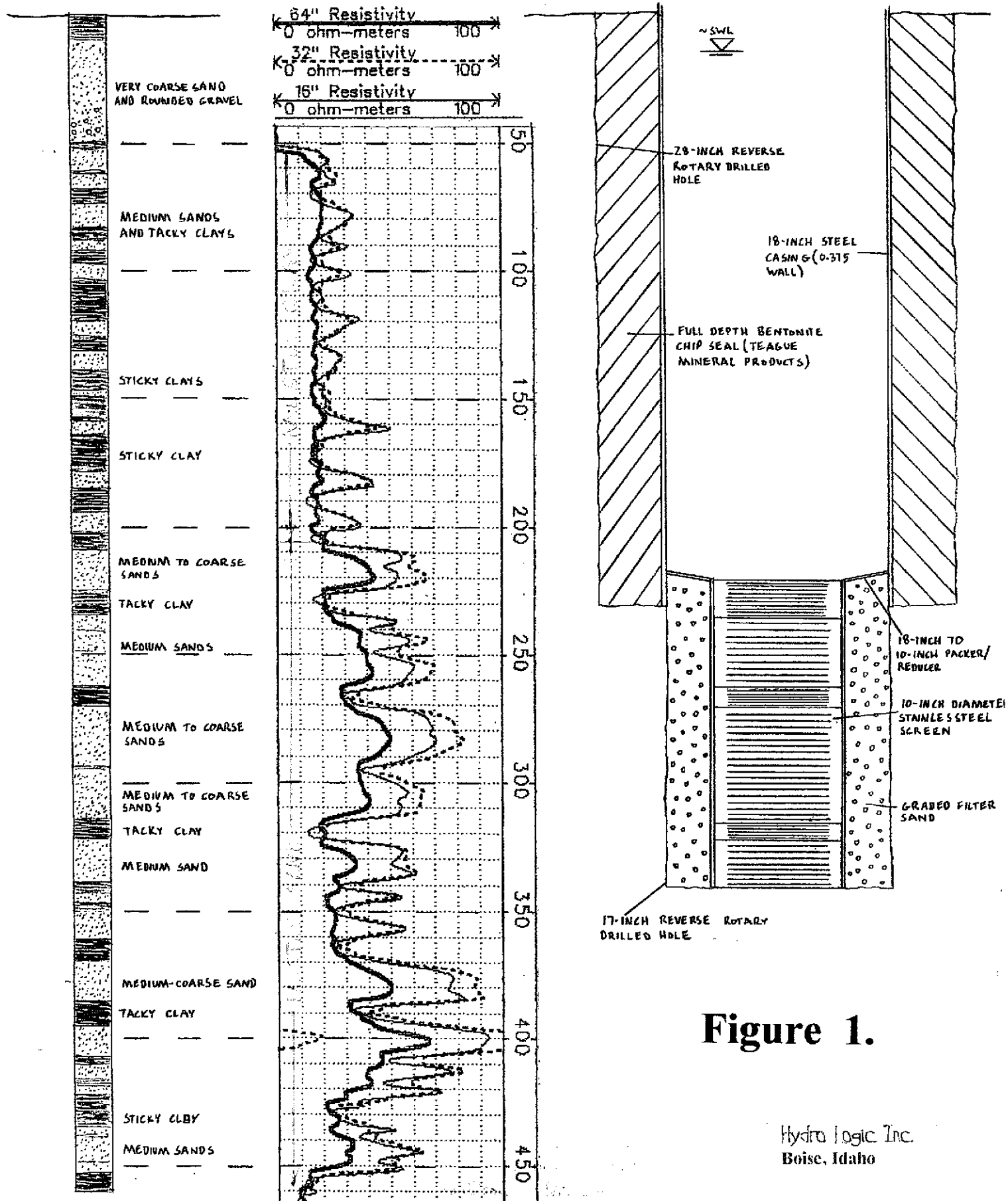


Figure 1.

Hydro Logic Inc.
Boise, Idaho

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-31550 IN THE)
NAME OF THE CITY OF CALDWELL)
_____)

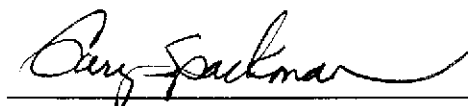
**NOTICE OF PREHEARING
CONFERENCE**

On September 20, 2002 The City of Caldwell filed with the Idaho 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, December 4, 2002 at 2:00 pm in the public meeting room of the Canyon County Courthouse, 1115 Albany, Caldwell, Idaho 83605.** 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 31st day of October 2002.

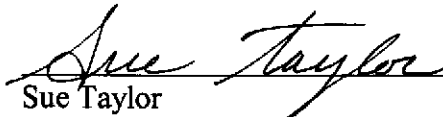


Gary Spackman

MICROFILMED
MAR 20 2003

CERTIFICATE OF MAILING

I hereby certify that on the 1ST day of ~~October~~ ^{November} 2002, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:


Sue Taylor
Senior Secretary

CITY OF CALDWELL
621 CLEVELAND BLVD
CALDWELL ID 83605

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

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.

MICROFILMED

MAY 2 11 2000

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.

MICROFILMED

MAR 10 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 28, 2002

E GAIL MCGARRY PN 3100
BOR PACIFIC NW REGIONAL OFFICE
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

Re: Application for Permit No. 63-31550 in the Name of the City of Caldwell

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):

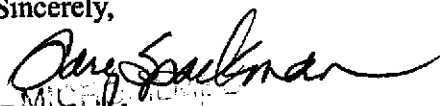
1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete 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 December 4, 2002 at the Canyon County Courthouse in Caldwell, Idaho. 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,


MICHAEL J. SPACKMAN
Gary Spackman

GS:st

Encl: Copy of Application
Notice of Prehearing Conference



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

October 29 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CITY OF CALDWELL
621 CLEVELAND BLVD
CALDWELL ID 83605

Re: Application for Permit No. 63-31550

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 December 4, 2002 at the Canyon County Courthouse in Caldwell, Idaho. 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

MICROFILMED

OCT 31 2002

RECEIVED

OCT 22 2002

WATER RESOURCES
WESTERN REGION

C065294

C065294

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 21 2002

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 Permit No. 63-31550 in the name of City of Caldwell, 621 E. Cleveland Blvd, Caldwell, Idaho 83605

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

5. Service telephone number E. Gail McGarry (208) 378-5306

6. Basis of protest (including statement of facts and law upon which the protest is based)
Injury to Reclamation project water rights.

7. What would resolve your protest?
Conditions placed in the water permit and water right requiring the well to be cased and cemented through one or more impermeable clay layers (as revealed in drilling logs) having a combined thickness of at least six feet, and that in any case, the upper 300 feet of the well bore be cased and cemented in place.

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 21st day of Oct, 2002

United States, BUREAU OF RECLAMATION
Protestant

E. Gail McGarry
PROTESTANT'S REPRESENTATIVE

MICROFILMED

OCT 21 2002

Certificate of Service

The undersigned does hereby certify that on this 21st day of Oct, 2002, he or she caused a true and correct copy of the within and foregoing document to be transmitted by U.S. mail to the following:

City of Caldwell
621 E. Cleveland Blvd
Caldwell, ID 83605

and hand delivered to:
The Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706.

E. Gail McQuay

WATSON

SEP 20 2002

Idaho Department of Water Resources Receipt

Receipt ID C065294

Payment Amount Date Received Region Status

Payment Type

Check

Check Number Payer Comment

Fee Detail

Amount Description Fund FD PCA SO
\$25.00 PROTESTS 0229 21 56103 1155



Signature Line (Dept. Representative)

MICHAEL L. L. L.

OCT 21 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 29, 2002

CANYON COUNTY DISTRICT COURT
1115 ALBANY
CALDWELL ID 83605

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Department of Water Resources for Wednesday, December 4, 2002, at 2:00 p.m.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

Sue Taylor
Senior Secretary

MICROFILMED

MAR 20 2003

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 Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:
10/03/2002, 10/10/2002

e0100285 04509306
1 Idaho Dept. of Water Resourc
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:

63-31550
CITY OF CALDWELL
621 E CLEVELAND BLVD
CALDWELL ID 83605

Point(s) of Diversion
SESENE S10
T03N R03W
CANYON County

Source GROUNDWATER
Tributary To N/A

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

Total Diversion: 4.9 CFS
Date Filed: 09/20/2002

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 260 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 10/21/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
October 3, 10, 2002

04509306

RECEIVED

OCT 11 2002

WATER RESOURCES
WESTERN REGION

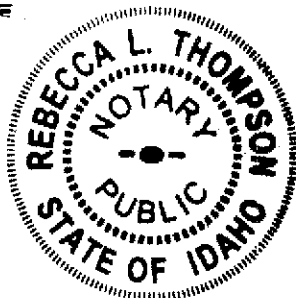
STATE OF IDAHO)
County of Canyon)

On the 10th day of October in the year of 2002
before me, a Notary Public, personally appeared.
Rae L. Barbosa,
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

MICHO, LEROY

NOV 2 2002



IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 63-31550

WATER RIGHT NUMBER: 63-31550

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF CALDWELL 621 E CLEVELAND BLVD CALDWELL, ID 83605 (208)342-8369

Priority Date: 09/20/2002

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUNDWATER	N/A

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	4.900 CFS	
	<u>Total Diversion:</u>	4.900 CFS	

Location of Point(s) of Diversion

GROUNDWATER	SE1/4SE1/4NE1/4	Sec. 10, Twp 03N, Rge 03W, B.M.
CANYON County		

Place of UseConditions of Approval:Remarks:Comments:

1. Igraves 9/23/2002 Legal Notice Remarks

Comment: 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 260 to 900 feet.

2. Igraves 9/23/2002 Comment/Analysis

Comment: Water is for current needs, no future needs component requested. Other rights used include the City of Caldwell's portfolio of municipal rights appurtenant to its service area. P/D aka South Park 2 Sub, Parcel 1, Well #17.

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 63-31550

Dates and Other Information:

Application Received Date: 9/20/2002
Application Denied Date:
Last Date of Beneficial Use:
Extension End Date:
Protest Deadline Date:
Number of Protests: 0
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Application Type: New Appropriation
Applicant Remarks: Attachments include: 1) a list of current elected officials of the City of Caldwell, 2) a map showing the point of diversion, 3) an updated map showing the present boundary of the City of Caldwell's water system service area/area of impact, and 4) a signed Request to Process form. This application is for municipal use. The City of Caldwell seeks this water 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 is for current needs; no future needs component requested. Aquifer zone to be appropriated is 260-900 feet below ground.
Other Water Rights:
Time to Complete Works: 5
Transfer Affected Description:
Transfer Affected Contracts:
Old Transfer Number:
Transfer Reason:
Transfer Return Flows:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------



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 Caldwell, Idaho

Mailing Address 621 Cleveland Blvd.
Caldwell, Idaho 83605

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

David L. Munn

Date

9.11.02

Please return this form to:

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

MICRO. 110-1
SEP 16 2002



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

September 25, 2002

Legal Notice Department

Press-Tribune

PO Box 9399

Nampa ID 83652

RE: Application for Permit No. 63-31550

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 10/21/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICHAEL M. GLENN

SEP 25 2002

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

63-31550

CITY OF CALDWELL
621 E CLEVELAND BLVD
CALDWELL ID 83605

Point(s) of Diversion SESENE S10 T03N R03W CANYON County Source GROUNDWATER
Tributary To N/A

Use: MUNICIPAL 01/01 To 12/31 4.9 CFS

Total Diversion: 4.9 CFS

Date Filed: 09/20/2002

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 260 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 10/21/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Press-Tribune on October 3 and 10, 2002.

MICHAEL J. DREHER
2002.10.10