

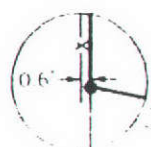
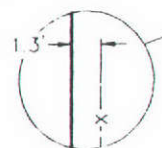
Approximate
well location

NO govt ltr
FL 4/22/02
63-31500

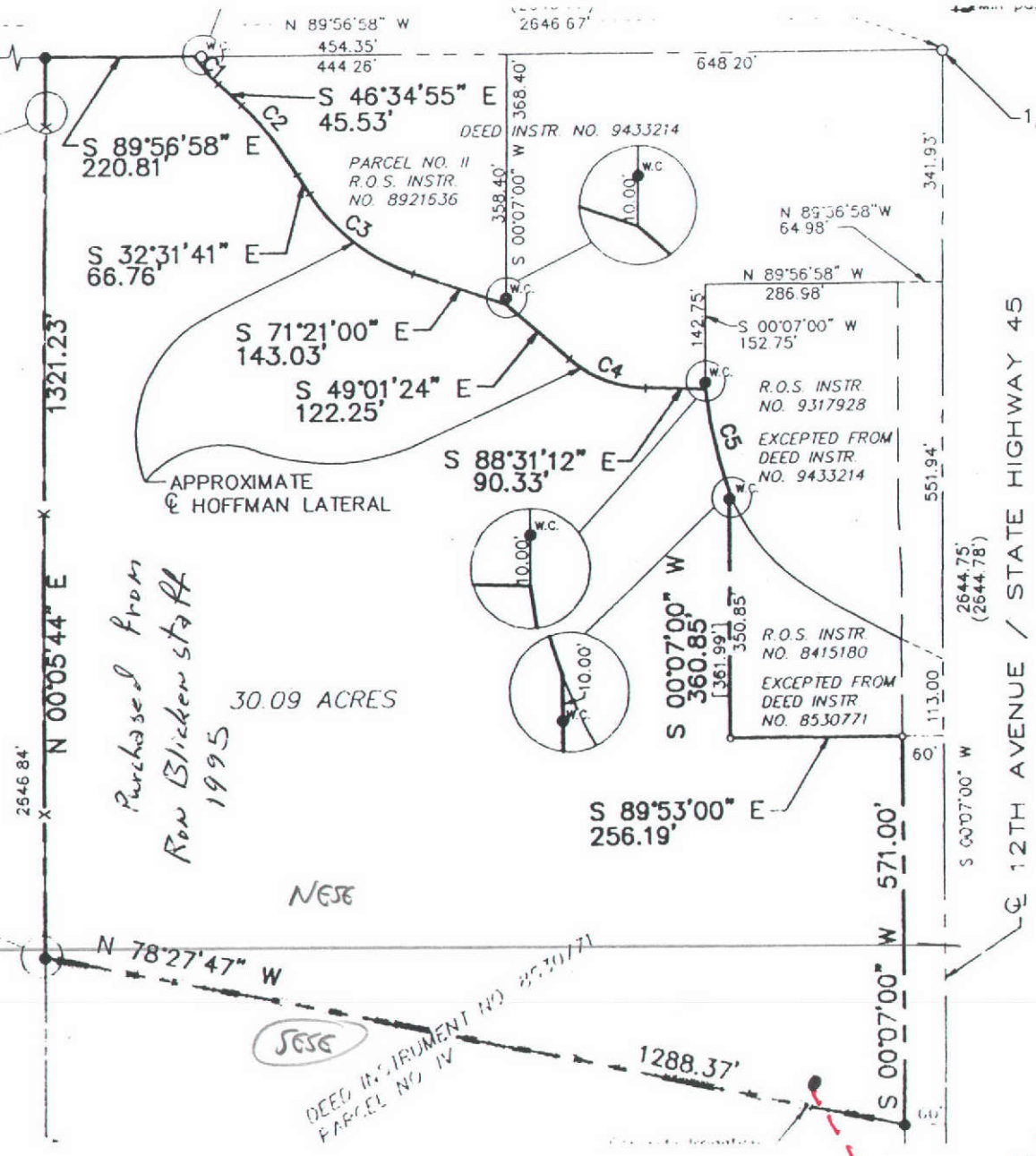
MAR 17 2003

MICROFILMED

CENT. 1/4 COR.
NOV. 1978
878 R.M.B.



Approximate
Q& line per
plot info
-82 4/22/02



1/4 COR. SEC. 9/10

STATE HIGHWAY 45

63-31500

Approximate Well Location

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NOV 14 2002

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

NOV 18 2002

Department of Water Resources

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. 63-31500 Telephone No. 208-467-6576
2. Name of Permit Holder(s): Nampa Highway District No. 1
3. Mailing Address: PO Box 76
City Nampa State ID Zip 83653
4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. 6 / yr. 92
 - a. Well Driller: Johnson Drilling Drilling Permit Number: 63-92-W-299-
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: Dust Control / Construction
6. Total rate of diversion and/or volume for which proof is submitted: .99 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 <u>✓</u>
	Has the measuring device been installed?	Yes _____ or No _____
8. Fee Enclosed: \$ 100.00 (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: Jim Buffington / Director Telephone Number: 467-6576
Address: 4507 Highway 45 Nampa, ID 83686
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: Director [Signature] Date: 11/04/02
(include your title, if on behalf of company or organization)

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MAR 17 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31500

Priority: March 11, 2002

Maximum Diversion Rate: 0.99 CFS

This is to certify, that NAMPA HIGHWAY DIST NO 1
PO BOX 76
4507 HIGHWAY 45
NAMPA ID 83653

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	0.99 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, Twp 02N, Rge 02W, B.M., CANYON County

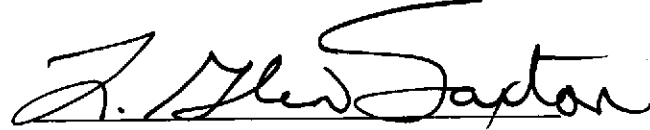
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2003**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Place of use is within the service area of the Nampa Highway District No. 1 as provided for under Idaho Law. The place of use is generally described as the area around the City of Nampa and the area south of Lake Lowell in Canyon County.
7. Municipal use is for filling tanker trucks for use during road construction projects within the service area of the Nampa Highway District No. 1.
8. Water bearing zone is 55 ft. to 135 ft.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 28th day of October, 2002.

MICROFILMED

MAR 17 2003


for KARL J DREHER, Director

AMENDED

RECEIVED

MAR 11 2002

Ident. No.

63-31500

RECEIVED

MAR 12 2002

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

MAR 11 2

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Nampa Highway District No. 1 Phone (208) 467-6576
Mailing address P.O. Box 76, 4507 Hwy 45, Nampa, Idaho 83653
2. Source of water supply ground water* which is a tributary of _____
3. Location of point of diversion is Township 02N Range 02W Sec. 9, in the R-1/2,
SE $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot _____, B.M., Canyon County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | |
|---|------------------------------|
| Amount <u>99 cfs</u> for <u>Municipal</u> purposes from <u>Jan 01</u> to <u>Dec 31</u> (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) 99 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 pump and motor* / 10 H.P.
- b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet
- c. Proposed well diameter is 10" inches; proposed depth of well is 139 feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If well is already drilled, when? 6/24/92; Drilling firm Sheral Johnston
Well was drilled for (well owner) Ron Blickenstaff; Drilling Permit No. Unknown 63-92-W-299
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. NAMPA
- d. Domestic; show number of households. 1
- e. Other; describe fully. To be used to fill water tankers for road construction purposes when surface water is unavailable.
- *Same as Permit No. 63-11630 (copy enclosed)
**Well existed when property was purchased.

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RECEIVED

MAY 17 2002

WATER RESOURCES
WESTERN REGION

*Attached is a map of the boundaries of Nampa Highway District No.1.
The type of use is Municipal use.

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. To be used to load water tank trucks for distribution throughout the Nampa Highway District No.1*

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

PLACE OF USE is SERVICE AREA of
City of Nampa Highway Dist #1

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Nampa Highway District No.1

b. Who owns the land to be irrigated or place of use? Nampa Highway District No.1 N/A

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

12. Remarks: This existing well was used for agricultural purposes prior to the purchase of land by Nampa Highway District No.1. The well water will be used to fill water tank trucks to wet down gravel roads and, occasionally, to aid in road construction. Other surface water sources are occasionally (but unpredictably) available from irrigation districts..This well needs to be available for use when other sources are unavailable. WATER BEARING ZONE to be Appropriated is from 55 to 135 feet.

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.)

Enclosed

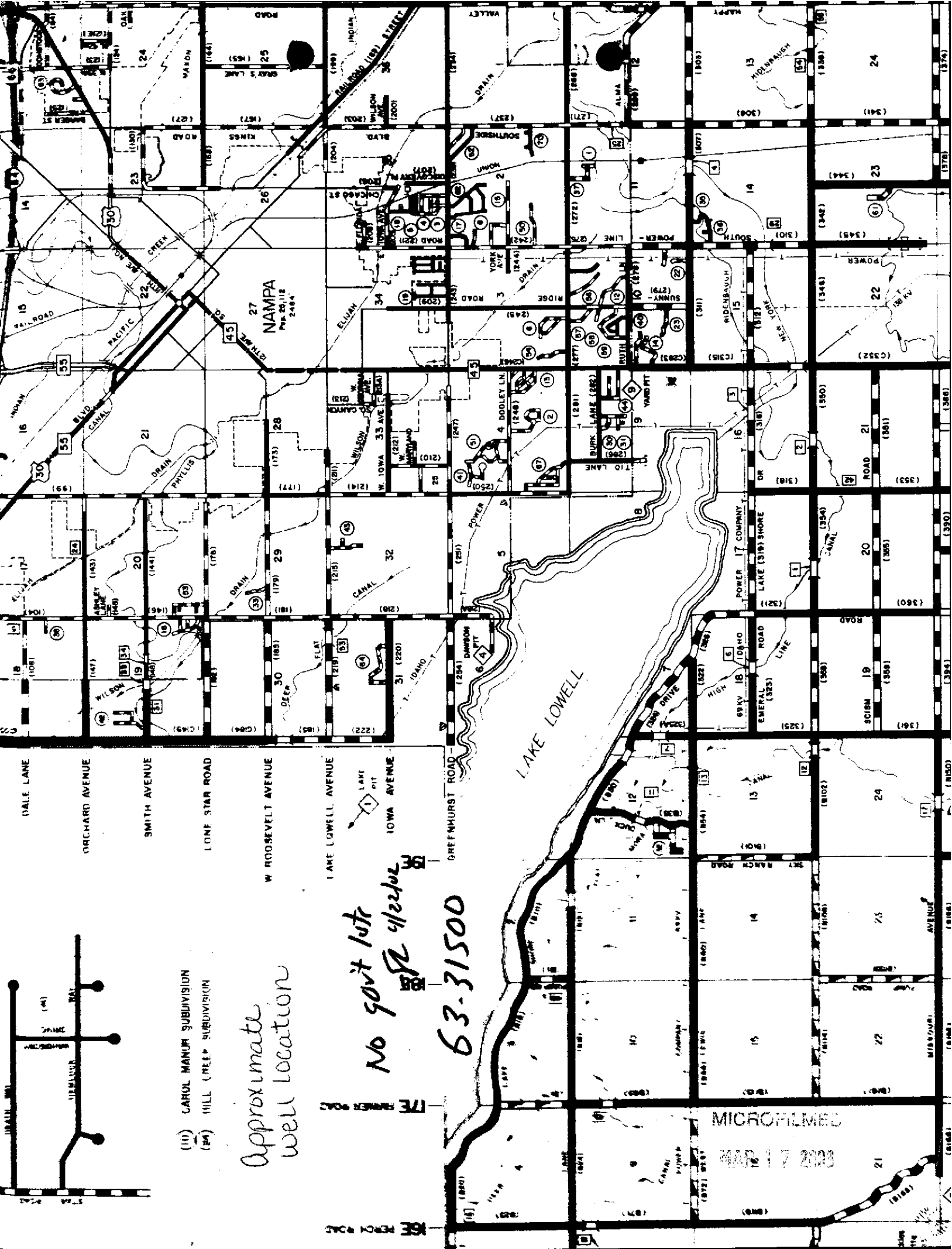
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Ralph Dent Vice Chairman NHD
Signature of Applicant (and title, if applicable)

Received by Jm Date 3/11/02 Time 10:34 Preliminary check by AL
Fee \$ 250.00 Received by Jm # 0060946 Date 3/11/02
Publication prepared by AT Date 02-204-27-02 Published in PRESS TRIBUNE
Publication approved AT Date 2-11-02

MICROFILMED

MAR 27 2003



(11) CAROL MANUM SUBDIVISION
(24) HILL CREEK SUBDIVISION

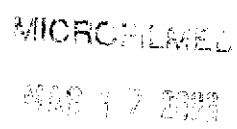
Approximate
well location

No govt lot
63-31500

MICROFILMED
MAR 17 2000

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5656
DEPT. OF TREASURY
1288 37



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

USE TYPEWRITER OR
BALLPOINT PEN

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.

1. WELL OWNER Name <u>Ron Blickenslauff 466 3828</u> Address <u>8452 Bennett Road Nampa Id 83686</u> Drilling Permit No. <u>43-92-W-299</u> Water Right Permit No. <u>63-11630</u>	7. WATER LEVEL Static water level <u>31</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 <u>58</u> °F. Quality <u>good</u> Describe artesian or temperature zones below.																																																										
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Well diameter increase ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☒ Pump ☐ Bailor ☐ Air ☐ Other _____ <table border="1"><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																																																							
Discharge G.P.M.	Pumping Level	Hours Pumped																																																									
3. PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG <table border="1"><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>10</td><td>0</td><td>29</td><td>gravel & clay</td><td> </td><td>☒</td></tr><tr><td>10</td><td>29</td><td>56</td><td>clay</td><td> </td><td>☒</td></tr><tr><td>10</td><td>56</td><td>65</td><td>sand & clay</td><td>☒</td><td> </td></tr><tr><td>10</td><td>65</td><td>74</td><td>sand</td><td>☒</td><td> </td></tr><tr><td>10</td><td>74</td><td>92</td><td>clay and sand layers</td><td>☒</td><td> </td></tr><tr><td>10</td><td>92</td><td>98</td><td>clay and sand layers</td><td>☒</td><td> </td></tr><tr><td>10</td><td>98</td><td>115</td><td>clay</td><td> </td><td>☒</td></tr><tr><td>10</td><td>115</td><td>139</td><td>clay and sand layers</td><td>☒</td><td> </td></tr></tbody></table>	Bore Diam.	Depth		Material	Water		From	To	Yes	No	10	0	29	gravel & clay		☒	10	29	56	clay		☒	10	56	65	sand & clay	☒		10	65	74	sand	☒		10	74	92	clay and sand layers	☒		10	92	98	clay and sand layers	☒		10	98	115	clay		☒	10	115	139	clay and sand layers	☒	
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10	115	139	clay and sand layers	☒																																																							
4. METHOD DRILLED ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☒ Cable ☐ Dug ☐ Other _____	← WATER BEARING ZONE																																																										
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td><u>1/4</u> inches</td><td><u>10</u> inches</td><td><u>1</u> feet</td><td><u>139</u> 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 ☐ Gun Size of perforation <u>1/8</u> inches by <u>3</u> inches <table border="1"><thead><tr><th>Number</th><th>From</th><th>To</th></tr></thead><tbody><tr><td><u>960</u> perforations</td><td><u>55</u> feet</td><td><u>135</u> feet</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>18</u> Material used in seal: ☒ Cement grout ☒ Bentonite ☐ Puddling clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port <u>Well Seal</u>		Thickness	Diameter	From	To	<u>1/4</u> inches	<u>10</u> inches	<u>1</u> feet	<u>139</u> feet													Number	From	To	<u>960</u> perforations	<u>55</u> feet	<u>135</u> feet																																
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6. LOCATION OF WELL Sketch map location <u>must</u> agree with written location. Subdivision Name _____ Lot No. _____ Block No. _____ County <u>Canyon</u> <u>SE</u> 1/4 <u>SE</u> 1/4 Sec. <u>9</u>, T. <u>2</u> N. <u>28</u> S. R. <u>2</u> E. ☐ W. ☒	10. Work started <u>5/15/92</u> finished <u>6/24/92</u> 11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Johnston Drilling</u> Firm No. <u>92</u> Address <u>Nampa Id.</u> Date <u>6/24/92</u> Signed by (Firm Official) <u>Elmer S. Johnston</u> and (Operator) <u>J. Johnston</u> <u>63-31500</u>																																																										

RECEIVED

MAY 17 2002

WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS

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

Name of Applicant

Nampa Highway Distict No. 1

Mailing Address

Po Box 76

Nampa ID 83853

Application No.
(if known)

63-31500

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.

☒ 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

J. R. Smith

Date

5/16/02

Please return this form to:

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

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MAY 17 2002



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

November 20, 2002

NAMPA HIGHWAY DISTRICT NO 1
PO BOX 76
NAMPA ID 83653

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-31500

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.

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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NOV 27 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 63-31500

Reviewed By: dgibson

Date: November 19, 2002

	<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.:		63-92-W-299
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C060546, W029863	Well driller's report filed?	X	
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		11/14/2002
Date proof due	-	11/01/2003
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	03/11/2002
New priority date	=	03/11/2002

Deficiencies of Actions Items

Acknowledge proof.



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

October 29, 2002

NAMPA HIGHWAY DIST NO 1
PO BOX 76
4507 HIGHWAY 45
NAMPA ID 83653

RE: Permit No. 63-31500

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.

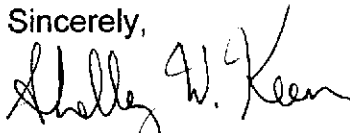
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened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

MICROFILMED

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

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name.

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

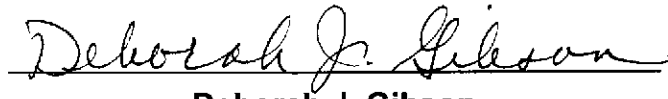
MICROFILMED
AUG 17 2003

CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2002 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. 63-31500

NAMPA HIGHWAY DIST NO 1
PO BOX 76
4507 HIGHWAY 45
NAMPA ID 83653

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

Deborah J. Gibson
Secretary

MICROFILMED

NOV 13 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 17 2003

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

SEP 17 2003

MEMORANDUM

Date: October 28, 2002
To: Water Right File 63-31500
From: dgibson
Re: Permit Review

The permit will be issued with the condition that the use of this water right is for filling tanker trucks for road construction use and dust abatement within the service area of the Nampa Highway District No. 1.

MICROFILMED

MAR 17 2001

RECEIVED

OCT 23 2002

Form No 202a
January 2002

Department of Water Resources
IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by *[Signature]*Date 5/31/02Application # 63-31500**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
N/A	P/U

SEE
9/3/02
MAP
instead

Appl. P/U Remark states map of boundary attached ... does this mean "Nampa" on topo quad? Not enough info on this map.

ADDITIONAL INFORMATION

X

ADVERTISE REMARKS (Yes or No)

YES NO

N/A

other City of Nampa
muni rights

- ☒ Overlapping place of use (Describe source and relationship to present application on next page)
- ☒ Overlapping point of diversion - only 63-11630, now Relinquished
- ☒ Critical groundwater area
- ☒ Ground water management area
- ☒ 1992 moratorium - municipal exempted
- ☒ 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

N/A Immediate = acceptable plan required and submitted

Future = open areas, acceptance of condition of approval is in file

attached to
application

- ☒ 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

Current service area boundary for Hwy. district - OK to continue processing while it's being provided.

Date Requested

9/3/02 tel. call

Date Response Received

9/3/02 hand delivered

(Jim 467-6576)

Amended prior to legal notice, additional fees N/A

OK ✓

PROCESSING

APPLICATION #

63-31500

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

NO comments received

- ☒ ☐ Publication dates and paper recorded on application

☐ ☒ Final date for protest 7-8-02☐ ☒ Protests received☐ ☐ Recommendations attached☒ ☐ Measuring device required ... upon notification in future☐ ☒ Water delivered by water master? District #☒ ☐ Special conditions of approval or cover letter

1 yr., drilling permit condition, no ROW or easement (as per), future mitigation if needed, upon notification MOP/power records reporting, w.b. zone 55'-135', SEE 9/3/02 service area map.

Recommended Date of Priority 3/11/02 (subsequent revisions only minor clarifications).

Recommendation ☒ Approve ☐ Deny by SL Date 10/22/02

ADDITIONAL INFORMATION

Existing well drilled re 63-92-W-299 & 63-11630 so d.p. issues ok.

Not "Reasonably Anticipated Future Needs" filing.

SEE d'base Legal notice & comments info.

63-11630 Re: 12/2/02.

☒ See Attachment(s) ... always include application proof report

Shape file N/A & municipal use at this time.

Applicant submitting current "Service Area" map per 9/3/02 call.

received
later same
day

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 63-31500

WATER RIGHT NUMBER: 63-31500

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NAMPA HIGHWAY DISTRICT NO 1 PO BOX 76 4507 HIGHWAY 45 NAMPA, ID 83653 (208)467-6576

Priority Date: 03/11/2002

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	0.990 CFS	
<u>Total Diversion:</u>		0.990 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 9, Twp 02N, Rge 02W, B.M.
CANYON County		

Place of UseConditions of Approval:Remarks:Comments:

1. Imattson 6/4/2002 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed from an existing well with a 55 to 135 ft. water bearing zone. Use is within service area of City of Nampa.

2. Imattson 6/4/2002 Comment/Analysis

Comment: Existing well re supplemental irrigation well 63-11630, relinquished while filing this new application. That well is the only P/D overlap. Limited municipal use will include dust abatement /road construction activities within Nampa area. Regional Managers research revealed highway districts are extensions of cities and thus qualify for consideration of municipal permits. Probably not viable to amend 63-11630 for hwy. district water needs given extensive conditions of approval in earlier permit.

Dates and Other Information:

Change to:
Service area of Applicant,
Not city

JK
9/10/02

condition e p/u

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 63-31500

Dates and Other Information:

Application Received Date: New Appropriation

Application Denied Date: 6/4/2002 12:18:47 PM ← delete

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date:

Number of Protests:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Formal Action Date:

State or Federal:

Owner Name Connector: This existing well was used for agricultural purposes prior to the purchase of land by Nampa Highway District No. 1. The well water will be used to fill water tank trucks to wet down gravel roads and, occasionally, to aid in road construction. Other surface water sources are occasionally (but unpredictably) available from irrigation districts. This well needs to be available for use when other sources are unavailable. Water bearing zone to be appropriated is from 55 to 135 feet.

Water District Number: 63

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: 69924

Applicant Remarks:

Other Water Rights:

Time to Complete Works:

Transfer Affected Description:

Transfer Affected Contracts: None

Old Transfer Number:

Transfer Reason: ①

Transfer Return Flows:

Swan Falls Trust or Nontrust: False

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan:

D'BASE problems highlighted. Alerted SK & SO. 6/4/02
via email.

AFFIDAVIT OF PUBLICATION

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

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

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:
06/20/2002, 06/27/2002

Traci L. Myers

STATE OF IDAHO)
County of Canyon)

On the 27th day of June in the year of 2002
before me, a Notary Public, personally appeared.
Traci L. Myers,
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

e0100285 04508028
1 Idaho Dept. of Water Resourc
2735 Airport Way
BOISE ID 83705

LEGAL NOTICE

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

63-31500
NAMPA HIGHWAY
DISTRICT NO 1
PO BOX 76
4507 HIGHWAY 45
NAMPA ID 83653

Point(s) of Diversion
SESE S9 T02N R02W

Source GROUND WATER
Use: MUNICIPAL
01/01 To 12/31
0.99 CFS

Total Diversion: 0.99 CFS
Date Filed: 03/11/2002

Remark: Applicant agrees to miti-
gate consumptive use in the future
as needed from an existing well with
a 55 to 135 ft. water bearing zone.
Use is within service area of City of
Nampa.

Permits will be subject to all prior
water rights. Protests may be sub-
mitted 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 pro-
test fee of \$25.00 for each applica-
tion on or before 07/08/2002. The
protestant must also send a copy of
the protest to the applicant.

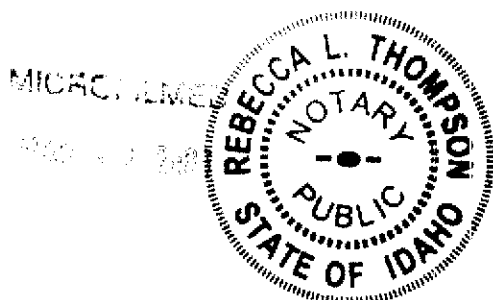
KARL J DREHER,
Director

June 20, 27, 2002 04508028

RECEIVED

JUN 28 2002

WATER RESOURCES
WESTERN REGION





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

June 27, 2002

DIV OF ENV QUALITY
BOISE REGIONAL OFFICE
PO BOX 83720
BOISE ID 83706

Re: Application for Water Right No 63-31500 in the Name of Nampa Highway District No.1.

Dear Sir or Madam:

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

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application, your written protest along with the \$25.00 protest fee must be received in this office by July 8, 2002.

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

Sincerely,

Steve Lester

SL:lm

Encl: Copy of Application

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

June 18, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DIV OF ENV QUALITY
BOISE REGIONAL OFFICE
PO BOX 83720
BOISE ID 83706

Re: Application for Permit No. 63-31500 in the Name of Nampa Highway District #1.

Dear Sir or Madam:

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

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application, your written protest along with the \$25.00 protest fee must be received in this office by July 8, 2002.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester', is written over a horizontal line.

Steve Lester

SL:lm

Encl: Copy of Application

MICRO, LVI

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

April 23, 2002

NAMPA HWY DIST #1
PO BOX 76
NAMPA ID 83653

Re: Application for a Municipal Water Permit

Dear Sir or Ms.:

Enclosed is your original application to use an existing well for a new municipal use for the highway district. A highway district is considered an extension of a city under Idaho law, allowing a district to qualify for a municipal water right. This is particularly important in the Boise River drainage, in which most new consumptive uses of water cannot be approved without immediate mitigation to offset depletions to the local aquifer and/or to the Boise River. But new *municipal* applications can be processed without addressing immediate mitigation concern.

The application has been revised based on the information you provided. Please review the following points to determine if the revisions correctly state your intent.

The existing well, located in SESE Section 9, was formerly known as the Blickenstaff supplemental irrigation well identified by Water Permit No. 63-11630. Blickenstaff assigned the permit to the highway district. The water bearing zone of the well is from 55 to 135 feet according to the well driller's report that I included with your application. The water bearing zone will be a condition of approval upon approval of your application.

The well is intended for use within the highway district. Because the district operates as an extension of the city, the proposed place of use should be described as the "service area of the City of Nampa" as noted in the footnote in application item number 9, place of use. Note that ownership of the place of use is not applicable for a municipal filing (application item number 11).

At least some of the proposed water use will be consumptive. As such, the new use is subject to a "possible future mitigation" condition of approval to address potential adverse impacts on water used for anadromous fish migration downstream from your area. Please see the "request to process" form attached to the application.

MICROFILMED

MAR 17 2003

Nampa Highway District No. 1
April 23, 2002
Page 2

Most applicants select the third option on the form to allow their applications to be processed. The third option does not require an applicant to take any steps in this regard at this time. I recommend you choose that last option on the form to allow your application to be processed. I will be glad to discuss this form with you in greater detail if you have any questions or concerns about it.

It is necessary to understand the fate of the land described by Water Permit No. 63-11630 to process the municipal application. The irrigation permit was initially authorized in 1992 as a drought emergency response. The permit was heavily conditioned to restrict its use to supplemental irrigation. Please explain the highway district's intent with respect to Permit No. 63-11630. Will the district use the irrigation well to irrigate any portion of the 60 acres described by the permit? If not, the permit serves no purpose and most likely should be relinquished. A relinquishment form is enclosed for your convenience. The information to date suggests the irrigation permit should be relinquished while the municipal application is processed.

If the application revisions are acceptable and accurate, please initial and date the form at the top of its first page under the "amended" stamp. Also complete the request to process form attached to the application. The completed package can be returned to me for processing. Please call me at 334-2190 if you have any questions or need help with any of these details. Your response within thirty (30) days of the date of this letter will maintain the application in good standing. . Thank you for your attention to these matters.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

MICROFILMED
MAR 17 2003

Taylor, Sue

From: Legals [legals@idahopress.com]
Sent: Thursday, June 13, 2002 12:28 PM
To: Taylor, Sue
Subject: Re: Legal Ad

Did you want us to add this one to the other one??

--

Becky Thompson
Classified Ad Manager
for Traci Myers
Legal Clerk
465-8131

From: "Taylor, Sue" <staylor@idwr.state.id.us>
Date: Thu, 13 Jun 2002 12:23:10 -0600
To: "legals@idahopress.com" <legals@idahopress.com>
Subject: Legal Ad

Hi Tracy, I think I neglected to send this one. Sorry.

Thanks for your help.

Sue

MICROFILMED
MAR 17 2003

6/13/2002

Taylor, Sue

From: Legals [legals@idahopress.com]
Sent: Thursday, June 13, 2002 12:16 PM
To: Taylor, Sue
Subject: Re: LegalNotice

on 6/13/02 8:54 AM, Taylor, Sue at staylor@idwr.state.id.us wrote:

Hi Stacy. Please let me know when you receive this.

Thanks,

Sue

Sue,

Your message was received and your notices will be published as requested. Thank you!

--

Traci Myers
Legals Clerk
Idaho Press Tribune
(208) 465-8128
legals@idahopress.com

MICROFILMED

MAR 17 2003

6/13/2002

June 13, 2002

Legal Notice Department

Press-Tribune

PO Box 9399

Nampa ID 83652

RE: Transfer No. 69928

Water Right No(s). 63-2706B

Water Right Nos. 63-31500 and 63-31504

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 07/08/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
rSenior Secretary

MICROFILMED

MAR 17 2003

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

63-31500

NAMPA HIGHWAY DISTRICT NO 1
PO BOX 76
4507 HIGHWAY 45
NAMPA ID 83653

Point(s) of Diversion SESE S9 T02N R02W CANYON County Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 0.99 CFS

Total Diversion: 0.99 CFS

Date Filed: 03/11/2002

Remark: Applicant agrees to mitigate consumptive use in the future as needed from an existing well with a 55 to 135 ft. water bearing zone. Use is within service area of City of Nampa.

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 07/08/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Press Tribune on June 20 and 27, 2002.

MICROFILMED

MAR 17 2003