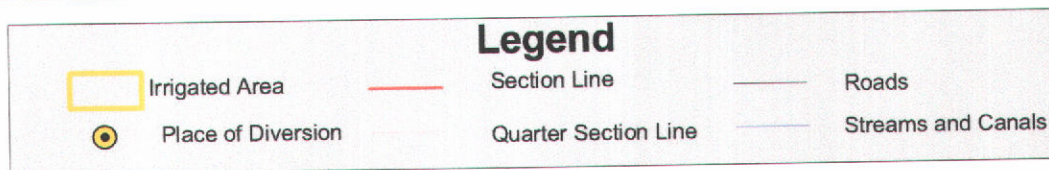
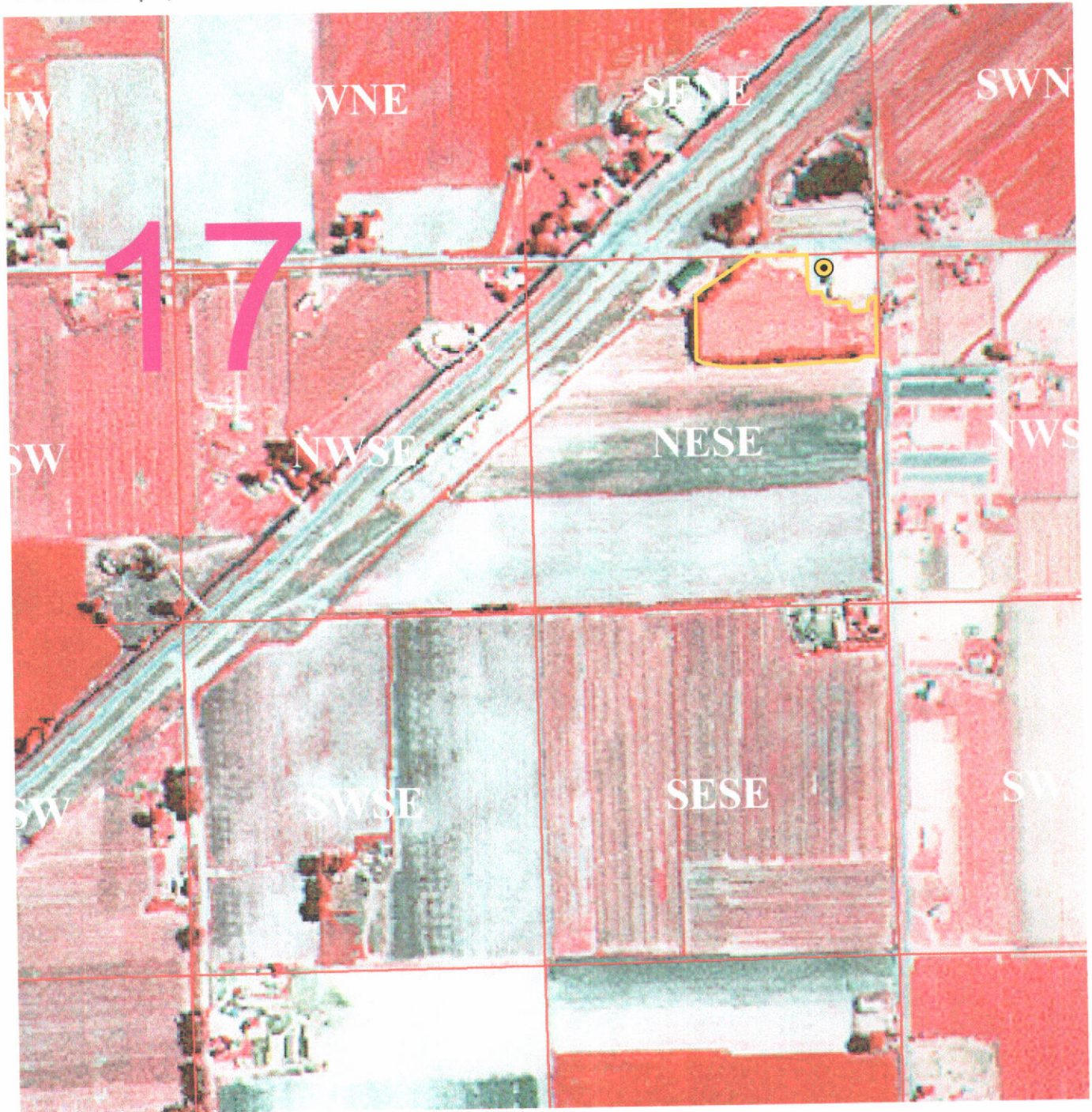


Township , 2S36E



MICROFILMED
FEB 10 2004

 SPATIAL
DYNAMICS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 15 2004

PROOF OF BENEFICIAL USE

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. 27-11964 Telephone No. 208-785-8800

2. Name of Permit Holder(s): Blackfoot School District #55

3. Mailing Address: 270 E. Bridge Street

City Blackfoot State ID Zip 83221

4. Source of Water: Ground If **GROUNDWATER** (well), Date Drilled: mo. March / yr. 1986

Well Driller: Jack Cushman Drilling Drilling Permit Number: - - - - -

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): School Stockwater (No. and type of stock):

Irrigation (No. of acres): 5 Other:

6. Total rate of diversion and/or volume for which proof is submitted: .015 cfs OR 17.5 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 X

Has the measuring device been installed?

Yes or No X

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Mr. Dean Stump Telephone Number: 208-31705534

Address: 1328 S. Meridian Street, Blackfoot, Idaho

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: [Signature] Date: 1-9-04
(include your title, if on behalf of company or organization)

MICROFILMED

FEB 10 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 27-11964

Priority: September 19, 2003

Maximum Diversion Rate: 0.15 CFS
Maximum Diversion Volume: 17.5 AF

This is to certify, that BLACKFOOT SCHOOL DISTRICT #55
270 E BRIDGE ST
BLACKFOOT ID 83221

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>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.15 CFS	17.5 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17, Twp 02S, Rge 36E, B.M., BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	36E	17													5.0				5.0
Total Acres: 5																			

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2004**.
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. This right does not authorize the irrigation of land not previously irrigated.
5. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
6. 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.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED

SEP 10 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 27-11964

8. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 31st day of December, 2003.


Acting for KARL J DREHER, Director

MICROFILMED

FEB 10 2004

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

DEC 26 2003

1. Name of Applicant Blackfoot School District #55 Phone 208-785-8800
Mailing address 267 270 E. Bridge Street Blackfoot ID 83221
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 2S Range 36E Sec. 17 in the _____ 1/4,
NE 1/4, SE 1/4, Govt. Lot _____, B.M., Bingham County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.15 cfs for Irrigation purposes from 4/01 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.15 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 well + pump to
sprinklers for Lapella School grounds
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? 1921; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW.
b. Stockwatering; list number and kind of livestock.
c. Municipal; show name of municipality.
d. Domestic; show number of households.
e. Other; describe fully. _____

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FEB 10 2004

RECEIVED

SEP 19 2003

Department of Water Resources
Eastern Region

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	36E	17													5				5

Total number of acres to be irrigated 5

10. Describe any other water rights used for the same purposes as described above. Claim A27-04150
from same p.o.d.

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: This development was made prior to 1987 and the
District requests that this application be advertised. Priority
evidence will be supplied with the application.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

[Signature] Facilities Director
Signature of Applicant (and title, if applicable)

MICROFILMED

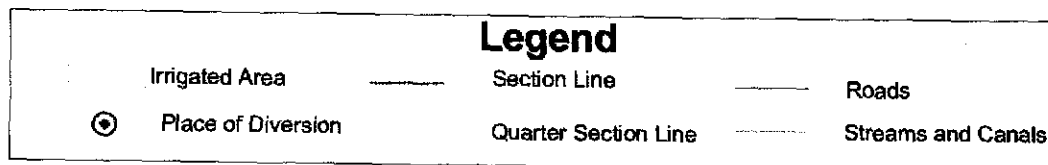
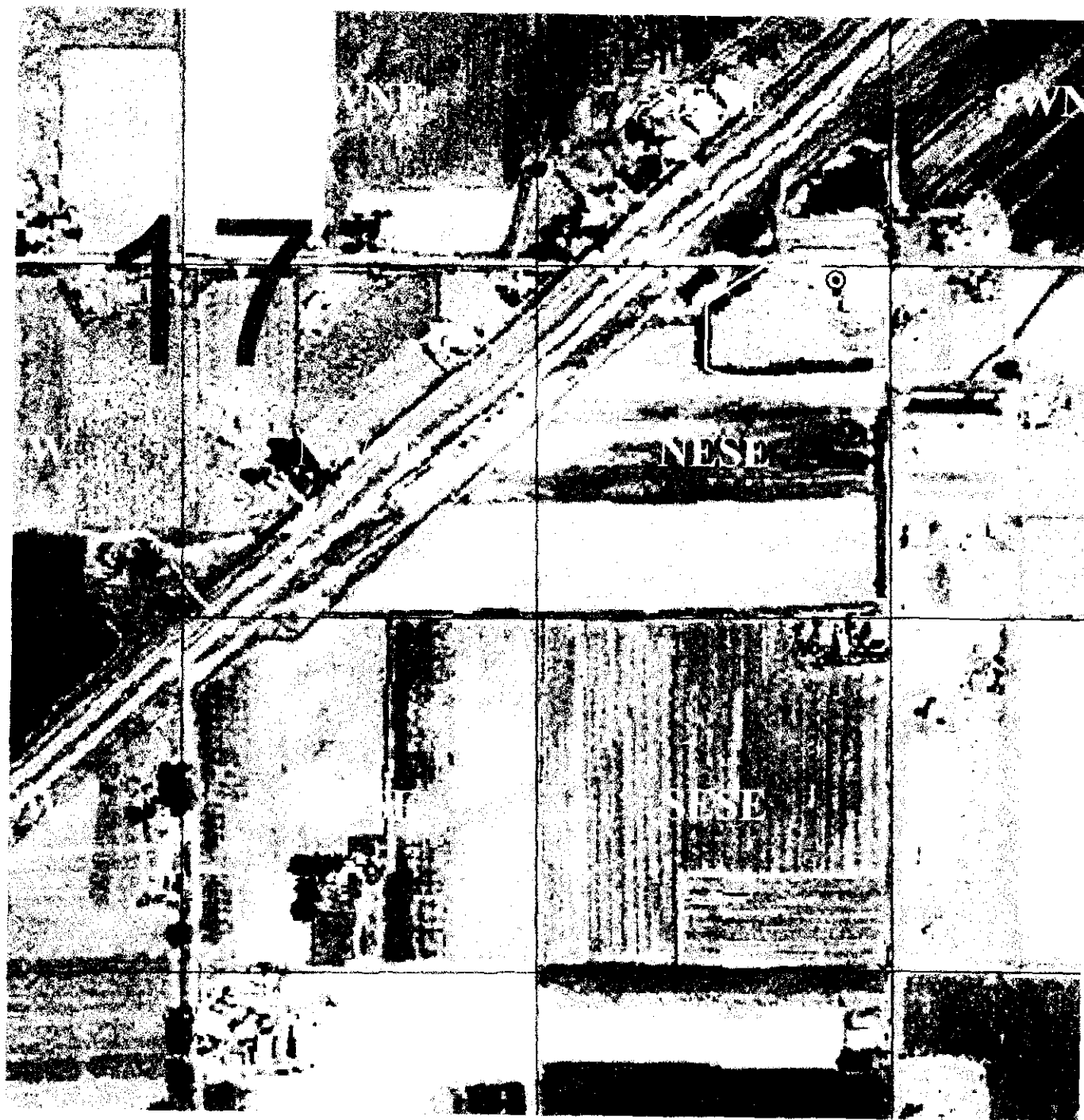
Received by _____ Date _____ Time _____ Preliminary check by FEB 10 2004

Fee \$ 100.00 Receipted by SC # ED29217 Date 9/19/2003

Publication prepared by SC Date 10/28/10/9/03 Published in Morning News

Publication approved SC Date 10/14/03

Township , 2S36E



400 0 400 800 Feet



MICROFILMED

FEB 10 2006

SPATIAL
DYNAMICS

BLACKFOOT SCHOOL DISTRICT #55

FACILITIES OFFICE
460 YORK DRIVE
BLACKFOOT, IDAHO 83221
Telephone 208-785-8832 Telefax 208-785-8834

August 28, 2003

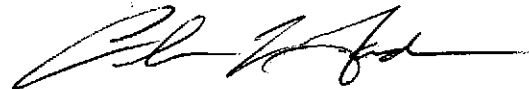
State of Idaho
Department of Water Resources
15 West Center Street
Soda Springs ID 83276

Department of Water Resources,

RE: Wapello Water - Irrigation Date - #A27-04150

During the time I was Principal - Teacher at Wapello Elementary School from August 1986 to June 1989, I can attest to the fact that the well was being used to irrigate the land surrounding the school.

Sincerely,



Chris L. Gardner
Facilities Director

CLG:sjr

MICROFILM

FEB 10 2004

August 28, 2003

State of Idaho
Department of Water Resources
15 West Center Street
Soda Springs ID 83276

Department of Water Resources,

RE: Wapello Water - Irrigation Date - #A27-04150

I am currently employed by the Blackfoot School District #55 in their Maintenance Department. My employment started in June 1979. I have been the Maintenance Supervisor from October 1, 1994 through May 2003.

I can attest to the fact that in June 1984 the Blackfoot School District began to irrigate the playground by pumping water from the well and sprinkling the land surrounding Wapello Elementary School.

Sincerely,

A handwritten signature in cursive script that reads "Ronald Brown".

Ron Brown
Maintenance Department

MICROFILMED
FEB 10 2004

August 28, 2003

State of Idaho
Department of Water Resources
15 West Center Street
Soda Springs ID 83276

Department of Water Resources,

RE: Wapello Water - Irrigation Date - #A27-04150

From August 1978 through June of 1991 I was a teacher at Wapello Elementary School. In June of 1984, I know that sprinklers were connected to the well to sprinkle irrigate the playground surrounding the school.

Sincerely,



Valerie Watson

MAIL ROOM

FEB 10 2004

August 28, 2003

State of Idaho
Department of Water Resources
15 West Center Street
Soda Springs ID 83276

Department of Water Resources,

RE: Wapello Water - Irrigation Date - #A27-04150

I was the Principal at Wapello Elementary School from August 1982 through June 1984. In June of 1984, a pump was connected to the well in order to sprinkle irrigate the playground surrounding the school.

Sincerely,

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

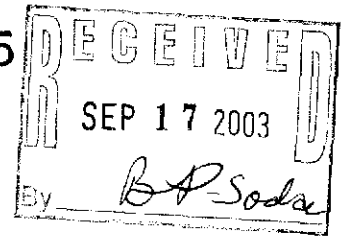
Martin Wallace

MICROFILMED

FEB 10 2004

BLACKFOOT SCHOOL DISTRICT #55

FACILITIES OFFICE
460 YORK DRIVE
BLACKFOOT, IDAHO 83221
Telephone 208-785-8832 Telefax 208-785-8834



September 15, 2003

State of Idaho
Department of Water Resources
15 W. Center
Soda Springs ID 83276

RECEIVED

SEP 19 2003

Department of Water Resources
Eastern Region

Dear Department of Water Resources,

Enclosed please find the following:

1. An application for permit
2. A check for \$100.00
3. Four (4) affidavits

If you need further information, please contact me at the above address. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be "Chris L. Gardner".

Chris L. Gardner
Director of Facilities

MICROFILMED

FEB 10 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 10, 2004

BLACKFOOT SCHOOL DISTRICT #55
270 E BRIDGE ST
BLACKFOOT ID 83221

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 27-11964

Dear Permit Holder:

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

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

If you have questions, please contact the **Eastern** Regional Office of the department in Idaho Falls (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

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

MICROFILMED

FEB 10 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 27-11964

Reviewed By: dgibson

Date: February 9, 2004

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	E027217, C072332		Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	01/15/2004
Date proof due	- 04/01/2004
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 09/19/2003
New priority date	= 09/19/2003

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

December 31, 2003

BLACKFOOT SCHOOL DISTRICT #55
270 E BRIDGE ST
BLACKFOOT ID 83221

RE: Permit No. 27-11964

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.

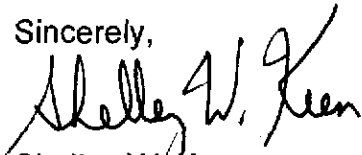
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened 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
FEB 10 2004

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

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

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

cc: BARKER ROSHOLT & SIMPSON LLP

MICROFILMED
FEB 10 2004

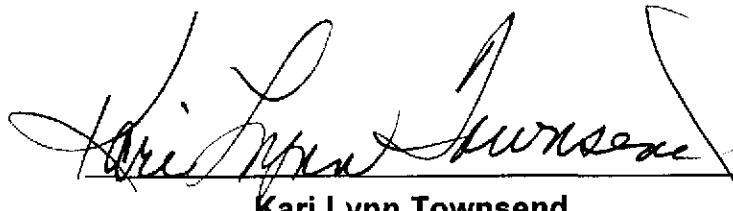
CERTIFICATE OF SERVICE

I hereby certify that on December 31, 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. 27-11964

**BLACKFOOT SCHOOL DISTRICT #55
270 E BRIDGE ST
BLACKFOOT ID 83221**

**BARKER RSHOLT & SIMPSON LLP
PO BOX 2139
BOISE ID 83701-2139**

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

**Kari Lynn Townsend
Secretary**

MICROFILMED

APR 10 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

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
FEB 10 2006

Comment Report

27-11964

1. kwalker 12/26/2003 Proof of Beneficial Use

Comment: This application was filed for pre-1987 development so I have recommended only a 90 day period for the applicant to submit proof of beneficial use.

MICROFILMED

FEB 10 2004

Pre-1987

Dist for Staffing _____
Submitted for advertising _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMIT

INITIAL REVIEW BY SC DATE 9/23/03 APPLICATION NO. 27-19467

RECEIVED
27-19467
2003
Department of Water Resources

REQUIRED INFORMATION:

- ☒ Name (if applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivision, local name, flow and/or volume)
- ☒ 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
- ☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Fee
- ☒ Yes _____ No* In form to receipt

ADDITIONAL INFORMATION:

- ☒ Overlapping place of use (Describe source & relationship to present application on the back) 
- ☒ Overlapping point of diversion
- ☐ Yes ☒ No Critical groundwater area
- ☐ Yes ☐ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit
- ☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet)
- ☐ Yes ☒ No **Public Water System**
- ☐ Yes ☒ No **Planning section review**
- ☐ Yes ☒ No **Moratorium Hold file**

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

_____ Date Requested _____

PROCESSING:

- ☒ Yes ☐ No In form for advertising
- ☐ Yes ☒ No Statewide advertising
- ☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO:

_____ Id Dept of Environmental Quality	_____ U.S. BLM
_____ Id Dept of Fish & Game	_____ U.S. Forest Service
_____ Id Dept of Lands	_____ Water District
_____ Adjudication Bureau Unit	_____ Other _____

Claim 27-4150 for domestic from some
F.O.D.

FINAL REGIONAL PROCESSING REVIEW:

☒ Yes	☐ No	Affidavit of publication received
☒ Yes	☐ No	Application published correctly. If not, record action taken
☒ Yes	☐ No	Publication dates & paper, recorded on application
☒ Yes	☐ No	Protests received
☒ Yes	☐ No	Final date for protest <u>10/20/03</u>
☒ Yes	☐ No	Protests, dates, resolution of protest, recorded on application
☐ Yes	☐ No	Recommendations attached
☐ Yes	☐ No	Measuring device required
☐ Yes	☐ No	Access port required
☐ Yes	☐ No	Will water be delivered by watermaster? If yes, what District _____
☐ Yes	☐ No	Special conditions of approval or cover letter below.

Date of priority recommendation

By: W. Roger Warner

Date: 12/22/03

STATE OFFICE REVIEW:

By: _____ Date: _____

ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST:

Comments received from:

☐ City	☐ Id Fish & Game	☐ Irrigation District
☐ County	☐ Id Health & Welfare	☐ Canal Company
☐ Reservations	☐ Div. Of Environment	☐ Other _____

Project impacts/implications report

COMMENTS



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 22, 2003

BLACKFOOT SCHOOL DISTRICT #55
270 E BRIDGE ST
BLACKFOOT ID 83221

Application to Permit No.
Withdrawal of Protest

Dear Applicant(s):

The Department of Water Resources has received withdrawal(s) of protest against the above referenced application. Withdrawals have been received from the following:
Barker, Rosholt & Simpson

There are no remaining protests against this application, so normal processing will continue in this office. The application will then be forwarded to our State Office in Boise for final processing.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

W Roger Warner
Water Rights Supervisor

WRW:sc

MICROFILMED
FEB 10 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

December 22, 2003

KARL J. DREHER
Director

BARKER ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE, ID 83701-2139

Application to Permit No. 27-11964
Withdrawal of Protest

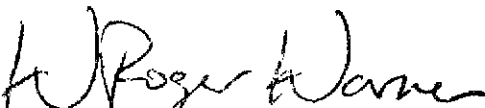
Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application.

There are no remaining protests against this application, so normal processing will continue in this office. The application will then be forwarded to our State Office in Boise for final processing.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,


W Roger Warner
Water Rights Supervisor

WRW:sc

MICROFILMED
FEB 10 2004

John A. Rosholt
John K. Simpson
Amy D. Chestnut
BARKER ROSHOLT & SIMPSON LLP
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Fax: (208) 344-6034
ISB #1037, 4242, 5904

RECEIVED

DEC 19 2003

Department of Water Resources
Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF)
APPLICATION FOR PERMIT)
NUMBER 27-11964,)
in the name of BLACKFOOT SCHOOL)
DISTRICT #55)
_____)

NOTICE OF WITHDRAWAL

TWIN FALLS CANAL COMPANY and NORTH SIDE CANAL COMPANY
(hereinafter the "Canal Companies"), by and through their attorneys, Barker Rosholt &
Simpson, file this Notice of Withdrawal to the approval of the above-numbered Application
for Permit filed by Blackfoot School District #55. This withdrawal of protest is submitted
based upon the following conditions:

1. The Department of Water Resources agrees and approves the application to the
limits as indicated by the proof of pre-1987 use;
2. The annual volume for this application will be 17.5 acre-feet;

MICROFILMED

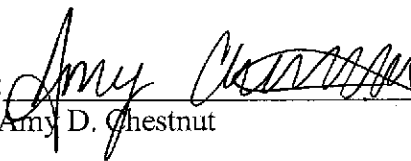
FEB 10 2004

3. The Department of Water Resources will appropriately issue a decision consistent with this condition and administer this water right accordingly; and

4. This notice of withdrawal is being filed without prejudice and the Canal Companies further reserve the right to protest other applications filed by this Applicant.

DATED this 16th day of December 2003.

BARKER ROSHOLT & SIMPSON

By: 
Amy D. Chestnut

CERTIFICATE OF MAILING

I hereby certify that on this 16th day of December, 2003, I served a copy of the foregoing NOTICE OF WITHDRAWAL, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Roger Warner
Idaho Department of Water Resources
Eastern Regional Office
900 N. Skyline
Idaho Falls, ID 83401-3653

Blackfoot School District #55
270 East Bridge Street
Blackfoot, Idaho 83221



Amy D. Chestnut

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FEB 10 2004

Blackfoot School District #55.

Rosholt is going to withdraw
with conditions. Letter to come.

Condi

1) The Application Inversion
Rate is based on actual Rate

2) That Volume Rate will be 3.0.

MICROFILMED

FEB 10 2004

12/3/03 27-11964

Pager Warner

IDWR

Sharon Riddle	Secretary Blackfoot School
Chris L. Gardner	Facilities Director District #55
Scott J. CRANE	Assistant Superintendent #55
Debra Wren	Superintendent #55
Ron Carlson	IDWR

MICROFILMED

FEB 10 2004

Black School District

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 27-11964 IN THE NAME OF) NOTICE OF
BLACKFOOT SCHOOL DISTRICT #55) PREHEARING CONFERENCE**

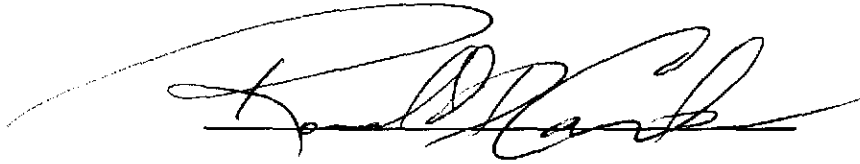
The Department has scheduled this matter for a prehearing conference at 1:00 p.m. on December 3, 2003, at the Idaho Department of Water Resources, 900 N Skyline Dr Ste A, Idaho Falls ID 83402, in accordance with the provisions of the adopted Rules of Procedure of the Department of Water Resources.

Agenda items for this prehearing conference will include:

- 1. Identify spokesman and/or counsel representing the protestant.**
- 2. Review of the application.**
- 3. Identify issues of protest.**
- 4. Designate date for identifying witnesses.**
- 5. Designate target date for conducting administrative hearing if resolution is not possible during the prehearing conference.**

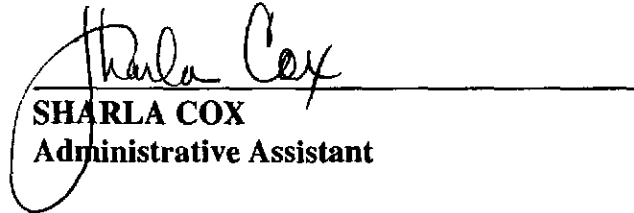
The hearing will be conducted in a facility, which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the Department within ten (10) days prior to the conference.

Dated this 10th day of November, 2003.



RONALD D. CARLSON
Eastern Regional Manager

I hereby certify that on the 12th day of November 2003, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed below:



SHARLA COX
Administrative Assistant

MAIL

Amy D Chestnut
PO Box 2139
Boise ID 83701-2139

Blackfoot School District #55
270 E Bridge St
Blackfoot ID 83221

BLACKFOOT SCHOOL DISTRICT #55

FACILITIES OFFICE
460 YORK DRIVE
BLACKFOOT, IDAHO 83221
Telephone 208-785-8832 Telefax 208-785-8834

RECEIVED

NOV 04 2003

Department of Water Resources
Eastern Region

November 3, 2003

Barker Rosholt & Simpson LLP
205 North 10th Street, Suite 520
P. O. Box 2139
Boise Id 83701-2139

Dear Barker Rosholt & Simpson LLP:

Subject: Prehearing Conference dates regarding our application for permit number 27-11064

The Blackfoot School District has requested a prehearing conference with you and the Idaho Department of Water Resource regarding our application for permit number 27-111964 that you protested.

Mr. Roger Warner, the Water Rights Supervisor for the Eastern Region, states that it is Blackfoot School District's responsibility to contact you and arrive at a mutually acceptable date to meet. Mr. Warner is suggesting the following dates: November 17 and 18 or December 3, 4, or 5. He also would like to meet in Blackfoot or Idaho Falls.

Please contact me or my secretary, Sharon Riddle, as to the time and date that would be acceptable. This meeting can take place at the Blackfoot School District office at 270 East Bridge in Blackfoot or at the Department of Water Resources located at 900 North Skyline Drive, Suite A in Idaho Falls.

Sincerely,



Chris L. Gardner
Director of Facilities

CGL:sjr

cc: Mr. Roger Warner
Idaho Department of Water Resources

MICROFILMED

FEB 10 2004

Warner, Roger

From: Warner, Roger
Sent: Friday, October 31, 2003 10:35 AM
To: 'gardc@d55.k12.id.us'
Cc: Cox, Sharla
Subject: Dist #55 Well Application

Mr. Gardner,

I am in receipt of your letter requesting a prehearing conference in regards to your protested application for permit. In accordance to our conversation earlier, I am providing you with some dates that we could hold the prehearing conference. They are November 17 and 18 and December 3, 4, or 5.

It is your responsibility to contact the protestant and arrive upon a mutually acceptable date. For a location, we could either meet at one of your facilities or if you wish we could schedule one of our conference rooms here at our offices in Idaho Falls. When you get a date, please let me know so that we can determine whether or not that date is still open for us since we have given those dates out to other parties. You may either discuss with me or my secretary, Sharla Cox.

Any questions, feel free to call or respond via email.

with best regards,

W. Roger Warner

*Water Rights Supervisor - Eastern Region
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161, voice
(208) 525-7177, fax
rwarner@idwr.state.id.us*

MICROFILM

FEB 10 2004

garden@dss.k12.id.us.

BLACKFOOT SCHOOL DISTRICT #55

FACILITIES OFFICE
460 YORK DRIVE
BLACKFOOT, IDAHO 83221
Telephone 208-785-8832 Telefax 208-785-8834

~~8832~~
8832

October 28, 2003

RECEIVED

OCT 30 2003

Department of Water Resources
Eastern Region

Mr. Roger Warner
Idaho Department of Water Resources
Eastern Region Office
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402

Dear Mr. Warner,

Blackfoot School District #55 requests a prehearing conference regarding our application for permit number 27-11964. This application was protested by Barker Rosholt & Simpson LLP of Boise.

Please contact me at the above address if you need any further information. Thank you for your help.

Sincerely,



Chris L. Gardner
Director of Facilities.

CLG:sjr

MICROFILMED

FEB 10 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 29, 2003

BLACKFOOT SCHOOL DISTRICT #55
270 E BRIDGE ST
BLACKFOOT ID 83221

Application to Permit No. 27-11964

Dear Applicant(s):

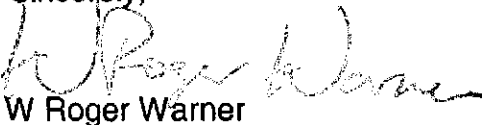
Enclosed is a copy of a protest filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (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 purpose 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 conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,



W Roger Warner
Water Right Supervisor

Enclosure

CC: State Office File
WRW:sc

MICROFILMED

FEB 10 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 29, 2003

BARKER ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE, ID 83701-2139

Application to Permit No. 27-11964

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (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 purpose intended?
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4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

W Roger Warner
Water Right Supervisor

WRW:sc

CC: State Office File

MICHO-11-2003

DEC 10 2003

John A. Rosholt
John K. Simpson
Amy D. Chestnut
BARKER ROSHOLT & SIMPSON LLP
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Fax: (208) 344-6034
ISB #1037, 4242, 5904

1003103646
RECEIVED

OCT 20 2003

WATER RESOURCES
WESTERN REGION

RECEIVED

OCT 23 2003

Department of Water Resources
Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF)
APPLICATION FOR PERMIT)
NUMBER 27-11964 in the name of)
BLACKFOOT SCHOOL DISTRICT #55)

NOTICE OF PROTEST

TWIN FALLS CANAL COMPANY and NORTH SIDE CANAL COMPANY
(hereinafter the "Canal Companies"), by and through their attorneys, Barker Rosholt &
Simpson, file this Notice of Protest to the approval of the above-numbered Application for
Permit filed by Blackfoot School District #55. The basis for the Canal Companies' protest is
as follows:

1. The proposed application will result in injury to the Canal Companies in that
depletion will occur in the reaches of the Snake River that supply the Canal Companies'
water rights;

MICHAEL J. JONES

FEB 10 2004

2. This application violates the moratorium;
3. The applicant has not provided sufficient information to evaluate the application, particularly the claim that it is based upon pre-1987 development; and,
4. For such other and further reasons as may be set forth at the hearing on this matter.

This protest could be resolved by the Applicant providing sufficient mitigation in an amount agreed upon by the parties.

DATED this 20th day of October, 2003.

BARKER ROSHOLT & SIMPSON

By: 
Amy D. Chestnut

CERTIFICATE OF MAILING

I hereby certify that on this 20th day of October, 2003, I served a copy of the foregoing NOTICE OF PROTEST, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Idaho Department of Water Resources
Eastern Regional Office
900 N. Skyline
Idaho Falls, ID 83401-3653
(original with filing fee filed in IDWR Western office)

Blackfoot School District #55
270 East Bridge Street
Blackfoot, Idaho 83221


Amy D. Chestnut

RECEIVED

OCT 14 2003

DEPT. OF WATER RESOURCES
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161
Fax: (208) 525-7177

applicant.

KARL J. DREHER
Director

(#714)
Pub.: 10/2, 9

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

27-11964

Blackfoot School District #55
270 E. Bridge Street
Blackfoot, Idaho 83221
Point(s) of Diversion: NESE, S17,
T02S, R36E, Bingham County.
Source: GROUNDWATER
Use: IRRIGATION 04/01 to 10/31 0.15
CFS 17.5 AFA
Total Diversion: 0.15 CFS 17.5 AFA
Date Filed: 09/23/2003
Place of Use: IRRIGATION
T02S, R36E, S17, NESE
Number of Acres: 5

This development was made prior to
1987 and the District request that this
application be advertised. Priority
evidence will be supplied with
application.

27-11965

GENE CUSHMAN
496 W. Riverton Road
Blackfoot, Idaho 83221
Point(s) of Diversion: NWSW, S8,
T03S, R35E, BINGHAM County.
Source: GROUNDWATER
Use: IRRIGATION 04/01 to 10/31 0.2
CFS
Total Diversion: 0.2 CFS
Date Filed: 09/16/2003
Place Of Use: IRRIGATION
T03S, R35E, S8, NWSW
Number of Acres: 10

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,
Eastern Region, 900 N. Skyline Drive,
Suite A, Idaho Falls, Idaho, 83402,
together with a protest fee of \$25.00 for
each application on or before October
20, 2003. The protestant must also
send a copy of the protest to the

AFFIDAVIT OF PUBLICATION

County of Bingham)

ss

State of Idaho)

I, Jacqueline Graham do solemnly
swear that I am the Legal
Coordinator of The Morning News,
which is a daily newspaper of
general circulation, published each
day except Sunday at Blackfoot,
Bingham County, Idaho, said
newspaper having been so published
at Blackfoot, aforesaid for more than
one year past; that said newspaper
heretofore complied with all the
provisions of Chapter 154 of the
Sessions Laws of Idaho of 1911,
approved March 11, 1911, and duly
designated, pursuant to law, a
particular day of the week as the day
on which legal notices required by
law or by the order of any Court of
competent jurisdiction within the
State of Idaho shall be published to-
wit: of each week; that the notice
attached hereto and which is a part
of this affidavit and part of the proof
of publication was published in said
issue of said

newspaper 2 consecutive Weeks
the first publication having been
made on the 2nd day of Oct
2003, and the last publication having
been made on the 9th day of
Oct 2003; that said notice was
published in the regular and entire
issue of every number of the paper
as aforesaid during the period and
time of publication, and that notice
was published, in the newspaper and
not in a supplement.

On this 9th day of Oct, in
the year of 2003, before me a Notary
Public of the State, personally
appeared Jacqueline Graham,
known or identified to me to be the
person whose name is subscribed to
the within instrument, and being by
me the first duly sworn, declared that
the statements therein are true, and
acknowledged to me that she
executed the same.

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires
June 19, 2004
Affidavit Processing Fee.....\$5.00



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
September 24, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BLACKFOOT SCHOOL DISTRICT #55
270 E BRIDGE ST
BLACKFOOT ID 83221

RE: Application for Permit No 27-11964

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Morning News on October 2 and 9, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

Please feel free to contact this office if you have any questions.

Sincerely,

W Roger Warner
Water Right Supervisor

WRW:sc

MAILED

FEB 10 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 24, 2003

Legal Notice Department
MORNING NEWS
PO BOX 70
BLACKFOOT ID 83221

RE: Application for Permit No. 27-11964 and 27-11965

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 October 20, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
9/24/03
sc*

MICROFILM

FEB 10 2004

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

27-11964

BLACKFOOT SCHOOL DISTRICT #55
270 E BRIDGE ST
BLACKFOOT ID 83221

Point(s) of Diversion: NESE S17 T02S R36E, BINGHAM County
Source GROUND WATER

Use: IRRIGATION	04/01 To 10/31	0.15 CFS	17.5 AFA
Total Diversion:		0.15 CFS	17.5 AFA

Date Filed: 09/23/2003

Place Of Use: IRRIGATION

T02S R36E S17 NESE

Number of Acres 5

This development was made prior to 1987 and the District request that this application be advertised. Priority evidence will be supplied with application.

27-11965

GENE CUSHMAN
496 W RIVERTON RD
BLACKFOOT ID 83221

Point(s) of Diversion: NWSW S8 T03S R35E, BINGHAM County
Source GROUND WATER

Use: IRRIGATION	04/01 To 10/31	0.2 CFS
Total Diversion:		0.2 CFS

Date Filed: 09/16/2003

Place Of Use: IRRIGATION

T03S R35E S8 NWSW

Number of Acres 10

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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before October 20, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on October 2 and 9, 2003

NOTED
OCT 10 2003