

Right Side
of file
cont.

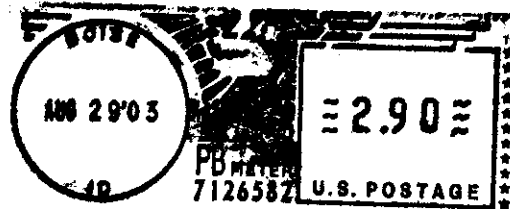
CERTIFIED MAIL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested



7000 1670 0013 9129 9126



RECEIVED

SEP - 3 2003

Department of Water Resources

Resent to
1299 N. Orchard
Ste 110
Boise, Id.
83706

Database changed 9/5/03.
Jg

 DO NOT REMAIL IN THIS ENVELOPE ☐
NO MAIL BOX ☐ VACANT ☐ UNCLAIMED ☐
MOVED NO ORDER ☐ REFUSED ☐
NO SUCH NUMBER ☒ STREET ☐
INSUFFICIENT ADDRESS ☐
ATTEMPTED-NOT KNOWN ☐
RETURNED TO SENDER
DATE _____ ROUTE# _____ CARR/INIT _____

8370

August 31, 2003

STATE OF IDAHO
DEPT OF CORRECTIONS
PO BOX 7309
BOISE, ID 83707

PROOF DUE NOTICE

RE: PERMIT NO. 63-12296

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

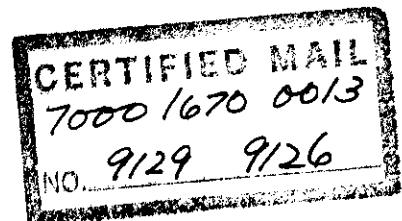
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures





RECEIVED

AUG 29 2003

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

August 29, 2003

Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: In The Matter of Application For Transfer 67055 and Application for
Amendment of Permit No. 63-12296 in The Name of The State Of Idaho,
Department Of Correction.

Dear Mr. Spackman:

Enclosed are the original MOTION FOR AN ORDER AUTHORIZING
DISCOVERY and the original AFFIDAVIT OF DAVID J. BARBER in the
above-referenced matter, along with a copy of each to be conformed to the original's
filed date. Please return the conformed copies to David Barber via statehouse mail.
Thank you for your attention to this matter.

*✓ copies taken back with him
LH/ST*

Sincerely,

A handwritten signature in cursive script that reads "Patricia Boehm".

PATRICIA BOEHM, PLS
Secretary
Natural Resources Division

/pb
Enclosures

ORIGINAL

RECEIVED

AUG 29 2003

WATER RESOURCES
WESTERN REGION

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID J. BARBER (ISB #2597)
Deputy Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010
Telephone: (208) 334-2400
FAX: (208) 334-2690
dbarber@ag.state.id.us

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR TRANSFER 67055 AND)
APPLICATION FOR AMENDMENT)
OF PERMIT NO. 63-12296 IN THE)
NAME OF THE STATE OF IDAHO,)
DEPARTMENT OF CORRECTION.)**

**MOTION FOR AN
ORDER AUTHORIZING
DISCOVERY**

COMES NOW the State of Idaho, Department of Correction, by and through the undersigned deputy attorney general, and moves the Idaho Department of Water Resources for an order authorizing discovery in this administrative proceeding in accordance with Rule 521 of the Rules of Procedure of the Idaho Department of Water Resources and that the Idaho Department of Water Resources incorporate the deadlines for discovery set forth in the Idaho Rules of Civil Procedure. IDAPA 37.01.01.521. The grounds for this motion are as follows:

1. Rule 521 of the Rules of Procedure of the Idaho Department of Water Resources provides as follows:

No party before the agency is entitled to engage in discovery unless the party moves for an order authorizing discovery and the agency issues an order authorizing the requested discovery, or upon agreement of all parties to the discovery that discovery may be conducted. The presiding officer shall provide a schedule for discovery in the order authorizing discovery, **but the order authorizing and scheduling discovery need not conform to the timetables of the Idaho rules of Civil Procedure.**

IDAPA 37.01.01.521 (emphasis added).

2. The State of Idaho, Department of Correction, has undertaken negotiations with United Water Idaho to resolve its protests in an amicable manner. While the State of Idaho, Department of Correction, remains optimistic that the parties will ultimately resolve this matter through negotiations, the parties do not presently have a settlement.

2. Preparation for the hearing set in November 2003, requires that the State of Idaho, Department of Correction, undertake some limited discovery. Absent the completion of such discovery, the State of Idaho, Department of Correction, will not be prepared to proceed to hearing in this matter. See AFFIDAVIT OF DAVID J. BARBER DATED AUGUST 29, 2003, at 2.

3. Counsel for United Water Idaho has informally advised the undersigned counsel, that United Water Idaho will not oppose this motion.

4. The order authorizing discovery needs to set forth the time schedule for discovery. The State of Idaho, Department of Correction, recommends that the Presiding Officer incorporate the time deadlines set forth in the Idaho Rules of Civil Procedure for this proceeding.

PRAYER FOR RELIEF

1. The State of Idaho, Department of Correction, respectfully requests that the Idaho Department of Water Resources enter an order authorizing discovery in this matter and that the

order incorporate the deadlines for discovery set forth in the Idaho Rules of Civil Procedure for this proceeding.

2. The State of Idaho, Department of Correction, respectfully requests such further relief as the Idaho Department of Water Resources deems is proper and appropriate.

DATED this 29th day of August 2003.

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
DEPUTY ATTORNEY GENERAL
CHIEF, NATURAL RESOURCES DIVISION



DAVID J. BARBER
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on August 29, 2003, I served the foregoing MOTION FOR AN ORDER AUTHORIZING DISCOVERY on the following persons by the method designated:

1. Original to:

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE, ID 83705-5082

HAND DELIVERED

2. One copy to the protestant:

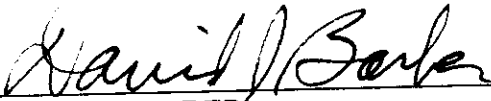
UNITED WATER IDAHO
c/o JOHN MARSHALL
GIVENS PURLSEY
277 NORTH SIXTH ST., SUITE 200
BOISE ID 83720

HAND DELIVERED

3. One copy to the applicant:

STATE OF IDAHO
DEPT OF CORRECTION
1299 N. ORCHARD STE 110
BOISE ID 83706

STATEHOUSE MAIL



DAVID J. BARBER
Deputy Attorney General

ORIGINAL

RECEIVED

AUG 29 2003

WATER RESOURCES
WESTERN REGION

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID J. BARBER (ISB #2597)
Deputy Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010
Telephone: (208) 334-2400
FAX: (208) 334-2690
dbarber@ag.state.id.us

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR TRANSFER 67055 AND)
APPLICATION FOR AMENDMENT)
OF PERMIT NO. 63-12296 IN THE)
NAME OF THE STATE OF IDAHO,)
DEPARTMENT OF CORRECTION.)**

AFFIDAVIT OF

DAVID J. BARBER

DATED AUGUST 29, 2003

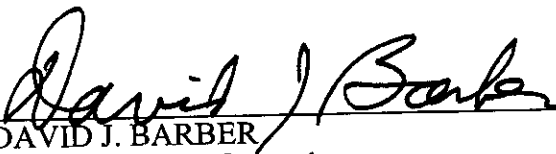
STATE OF IDAHO)
) S.S.
County of Ada)

DAVID J. BARBER, being first duly sworn deposes and says:

1. I am a deputy attorney general assigned to assist the Idaho Department of Correction in this proceeding.

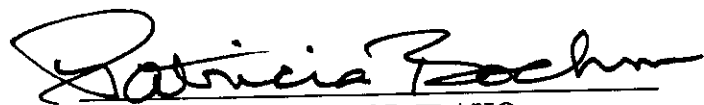
2. The State of Idaho, Department of Correction, has provided to protestant United Water Idaho, sufficient information to demonstrate that the wells at the Idaho State Prisons south of the City of Boise do not impair in any manner the water rights of United Water Idaho. The State of Idaho, Department of Correction, does not presently understand the basis for the continuing protests of United Water Idaho. The State of Idaho, Department of Correction, needs to conduct discovery to obtain this understanding to proceed to hearing in this matter.

3. Further your affiant sayeth naught.


DAVID J. BARBER
Deputy Attorney General

SUBSCRIBED AND SWORN to before me a Notary Public in and for the State of Idaho
this 29th day of August 2003.




NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
My Commission expires: 11/6/03

CERTIFICATE OF MAILING

I certify that on August 29, 2003, I served the foregoing AFFIDAVIT OF DAVID J. BARBER DATED AUGUST 29, 2003, on the following persons by the method designated:

1. Original to:

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE, ID 83705-5082

HAND DELIVERED

2. One copy to the protestant:

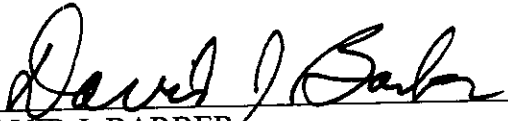
UNITED WATER IDAHO
c/o JOHN MARSHALL
GIVENS PURLSEY
277 NORTH SIXTH ST., SUITE 200
BOISE ID 83720

HAND DELIVERED

3. One copy to the applicant:

STATE OF IDAHO
DEPT OF CORRECTION
1299 N. O RCHARD STE 110
BOISE ID 83706

STATEHOUSE MAIL



DAVID J. BARBER
Deputy Attorney General



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

August 15, 2003

RECEIVED

AUG 18 2003

WATER RESOURCES
WESTERN REGION

Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: In The Matter of Application For Transfer 67055 and Application for
Amendment of Permit No. 63-12296 in The Name of The State Of Idaho,
Department Of Correction.

Dear Mr. Spackman:

Enclosed, please find the original State of Idaho's Second Supplemental Response
to Scheduling Order in the above referenced matter, along with a copy of the same to be
conformed to the original's filed date. Please return the conformed copy to David Barber
via Statehouse mail. Thank you for your attention to this matter. ✓st 8-27-03

Sincerely,

A handwritten signature in cursive script that reads "Patricia Boehm".

PATRICIA BOEHM, PLS
Secretary
Natural Resources Division

/pb
Enclosures

ORIGINAL

RECEIVED

AUG 18 2003

WATER RESOURCES
WESTERN REGION

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID J. BARBER (ISB #2597)
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
FAX: (208) 334-2690
dbarber@ag.state.id.us

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR TRANSFER 67055 AND)
APPLICATION FOR AMENDMENT)
OF PERMIT NO. 63-12296 IN THE)
NAME OF THE STATE OF IDAHO,)
DEPARTMENT OF CORRECTION.)**

**SECOND SUPPLEMENTAL RESPONSE
TO SCHEDULING ORDER**

The State of Idaho Department of Correction supplements its RESPONSE TO
SCHEDULING ORDER as follows:

I. LIST OF WITNESSES AND SUMMARY OF TESTIMONY

There is nothing to add at this time.

II. LIST OF DATA, SCIENTIFIC INFORMATION, AND DOCUMENTS RELIED ON
BY THE IDAHO DEPARTMENT OF CORRECTION

A. Documents Incorporated by Reference:

There is nothing to add at this time.

B. The following documents are submitted with this Response:

....

xi. Memo dated October 2, 1986, that amends the Report on Proof of
Completion of Works & Beneficial Use dated September 30, 1977, for
water right no. 63-7025.

xii. Idaho Department of Correction, Director's Count Sheet for 7/01/2003.

III. SUPPLEMENTATION OF RESPONSES

The preparation for the hearing in this matter is continuing. The designation of
witnesses, description of their testimony, and list of data, scientific information, and documents
may be supplemented as the preparation continues for the hearing.

DATED this 15th day of August 2003.



DAVID J. BARBER
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on August 15, 2003, I served the foregoing SECOND SUPPLEMENTAL RESPONSE TO SCHEDULING ORDER on the following persons by the method designated:

1. Original to:

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE, ID 83705-5082

STATEHOUSE MAIL

(Without Attachments)

2. One copy to the protestant:

UNITED WATER IDAHO
c/o JOHN MARSHALL
GIVENS PURLSEY
277 NORTH SIXTH ST., SUITE 200
BOISE ID 83720

HAND DELIVERED

(With Attachments)

3. One copy to the applicant:

PAT DONALDSON
STATE OF IDAHO
DEPT OF CORRECTION
1299 N. ORCHARD STE 110
BOISE ID 83706

STATEHOUSE MAIL

(Without Attachments)



DAVID J. BARBER
Deputy Attorney General



RECEIVED

AUG - 5 2003

Department of Water Resources

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

August 4, 2003

RECEIVED

AUG 06 2003

WATER RESOURCES
WESTERN REGION

Mr. John Marshall
GIVENS PURSLEY LLP
P.O. Box 2720
Boise, ID 83701-2720

Re: State of Idaho Department of Corrections Transfer No. 67055 and
Application for Amendment of Permit No. 63-12296. Your file No. GP File
No. 30-118.

Dear John:

This letter acknowledges receipt of your letter dated July 10, 2003. A draft response is in the review process. While I had initially expected to send it to you last week, I do not expect to get it through the review process until the end of this week.

Enclosed is the FIRST SUPPLEMENTAL RESPONSE TO SCHEDULING ORDER. Item nos. (vi) through (x) of Paragraph II (B) are already part of the administrative file in this matter. But, since you requested historical water use data, I obtained these documents from the Idaho Department of Water Resources (hereinafter "IDWR") and am providing them to you now.

Sincerely,

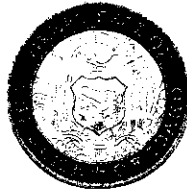
A handwritten signature in cursive script that reads "David J. Barber".

DAVID J. BARBER
Deputy Attorney General

DJB/ov

Encl.

cc: Gary Spackman
Western Region,
IDWR



RECEIVED

AUG - 5 2003

Department of Water Resources

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

August 4, 2003

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: In The Matter of Application For Transfer 67055 and Application for Amendment
of Permit No. 63-12296 in The Name of The State Of Idaho, Department Of
Correction.

To Whom It May Concern:

Enclosed, please find the original State of Idaho's First Supplemental Response to
Scheduling Order in the above referenced matter, along with a copy of the same to be conformed
to today's file date. Please return the conformed copy to us via Statehouse mail.

Cordially,

A handwritten signature in black ink, appearing to read "Olga Valdivia".

Olga Valdivia
Legal Secretary

/OLV
Enclosures

RECEIVED

AUG - 5 2003

Department of Water Resources

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID J. BARBER (ISB #2597)
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
FAX: (208) 334-2690
dbarber@ag.state.id.us

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR TRANSFER 67055 AND)
APPLICATION FOR AMENDMENT)
OF PERMIT NO. 63-12296 IN THE)
NAME OF THE STATE OF IDAHO,)
DEPARTMENT OF CORRECTION.)**

**FIRST SUPPLEMENTAL RESPONSE
TO SCHEDULING ORDER**

The State of Idaho Department of Correction supplements its RESPONSE TO
SCHEDULING ORDER as follows:

I. LIST OF WITNESSES AND SUMMARY OF TESTIMONY

There is nothing to add at this time.

ORIGINAL

II. LIST OF DATA, SCIENTIFIC INFORMATION, AND DOCUMENTS RELIED ON THE IDAHO DEPARTMENT OF CORRECTION

A. Documents Incorporated by Reference:

There is nothing to add at this time.

B. The following documents are submitted with this Response:

- i. Report of Ed Squires entitled "Details of Drilling, Construction, and Hydraulic Testing of the Idaho State Correctional Institution #4 Supply Well" dated November 5, 2002.
- ...
- v. Idaho Department of Correction, Director's Count Sheet for 7/15/2001. A count sheet is available for every day of the year. If the protestant desires a copy of the count sheet for any particular day, please advise counsel, and a copy will be provided.
- vi. Report on Proof of Completion of Works & Beneficial Use dated July 2, 1965 for water right no. 63-3271.
- vii. Report on Proof of Completion of Works & Beneficial Use dated July 20, 1972 for water right no. 63-3445.
- viii. Report on Proof of Completion of Works & Beneficial Use dated August 24, 1972 for water right no. 63-3487.
- ix. Report on Proof of Completion of Works & Beneficial Use dated September 30, 1977 for water right no. 63-7025.
- x. Report on Proof of Completion of Works & Beneficial Use dated January 28, 1981 for water right no. 63-8088.

III. SUPPLEMENTATION OF RESPONSES

The preparation for the hearing in this matter is continuing. The designation of witnesses, description of their testimony, and list of data, scientific information, and documents may be supplemented as the preparation continues for the hearing.

DATED this 4th day of August 2003.



DAVID J. BARBER
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on August 4, 2003, I served the foregoing FIRST SUPPLEMENTAL RESPONSE TO SCHEDULING ORDER on the following persons by the method designated:

1. Original to:

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE, ID 83705-5082

STATEHOUSE MAIL

(Without Attachments)

2. One copy to the protestant:

UNITED WATER IDAHO
c/o JOHN MARSHALL
GIVENS PURLSEY
277 NORTH SIXTH ST., SUITE 200
BOISE ID 83720

HAND DELIVERED

(With Attachments)

3. One copy to the applicant:

STATE OF IDAHO
DEPT OF CORRECTION
1299 N. O RCHARD STE 110
BOISE ID 83706

STATEHOUSE MAIL

(Without Attachments)



DAVID J. BARBER
Deputy Attorney General



RECEIVED

AUG - 2 2003

Department of Water Resources

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID J. BARBER (ISB #2597)
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
FAX: (208) 334-2690
dbarber@ag.state.id.us

RECEIVED

AUG - 5 2003

Department of Water Resources

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR TRANSFER 67055 AND)
APPLICATION FOR AMENDMENT)
OF PERMIT NO. 63-12296 IN THE)
NAME OF THE STATE OF IDAHO,)
DEPARTMENT OF CORRECTION.)**

**FIRST SUPPLEMENTAL RESPONSE
TO SCHEDULING ORDER**

The State of Idaho Department of Correction supplements its RESPONSE TO
SCHEDULING ORDER as follows:

I. LIST OF WITNESSES AND SUMMARY OF TESTIMONY

There is nothing to add at this time.

COPY

II. LIST OF DATA, SCIENTIFIC INFORMATION, AND DOCUMENTS RELIED ON THE IDAHO DEPARTMENT OF CORRECTION

A. Documents Incorporated by Reference:

There is nothing to add at this time.

B. The following documents are submitted with this Response:

- i. Report of Ed Squires entitled "Details of Drilling, Construction, and Hydraulic Testing of the Idaho State Correctional Institution #4 Supply Well" dated November 5, 2002.
- ...
- v. Idaho Department of Correction, Director's Count Sheet for 7/15/2001. A count sheet is available for every day of the year. If the protestant desires a copy of the count sheet for any particular day, please advise counsel, and a copy will be provided.
- vi. Report on Proof of Completion of Works & Beneficial Use dated July 2, 1965 for water right no. 63-3271.
- vii. Report on Proof of Completion of Works & Beneficial Use dated July 20, 1972 for water right no. 63-3445.
- viii. Report on Proof of Completion of Works & Beneficial Use dated August 24, 1972 for water right no. 63-3487.
- ix. Report on Proof of Completion of Works & Beneficial Use dated September 30, 1977 for water right no. 63-7025.
- x. Report on Proof of Completion of Works & Beneficial Use dated January 28, 1981 for water right no. 63-8088.

III. SUPPLEMENTATION OF RESPONSES

The preparation for the hearing in this matter is continuing. The designation of witnesses, description of their testimony, and list of data, scientific information, and documents may be supplemented as the preparation continues for the hearing.

DATED this 4th day of August 2003.



DAVID J. BARBER
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on August 4, 2003, I served the foregoing FIRST SUPPLEMENTAL RESPONSE TO SCHEDULING ORDER on the following persons by the method designated:

1. Original to:

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE, ID 83705-5082

STATEHOUSE MAIL

(Without Attachments)

2. One copy to the protestant:

UNITED WATER IDAHO
c/o JOHN MARSHALL
GIVENS PURLSEY
277 NORTH SIXTH ST., SUITE 200
BOISE ID 83720

HAND DELIVERED

(With Attachments)

3. One copy to the applicant:

STATE OF IDAHO
DEPT OF CORRECTION
1299 N. O RCHARD STE 110
BOISE ID 83706

STATEHOUSE MAIL

(Without Attachments)



DAVID J. BARBER
Deputy Attorney General

GIVENS PURSLEY LLP

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

JOHN M. MARSHALL
DIRECT DIAL: 208 388-1270
EMAIL: jmm@givenspursley.com

Gary G. Allen
Christopher J. Beeson
Jessica M. Borup
William C. Cole
Michael C. Creamer
Emily MacMaster Durkee
Thomas E. Dvorak
Roy Lewis Eiguen
Timothy P. Fearnside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Debra K. Kristensen
Anne C. Kunkel
Deborah E. Nelson

Franklin G. Lee
David R. Lombardi
D. David Lorello, Jr.
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
Kendall L. Miller
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
W. Hugh O'Riordan

Michael C. Orr
Kenneth L. Pursley
Bradley V. Sneed
H. Barton Thomas
Conley E. Ward
Robert B. White

Raymond D. Givens
James A. McClure
Stephanie C. Westermeier
OF COUNSEL

John A. Miller, LL.M.
TAX CONSULTANT
*Licensed in Kentucky only

Via Facsimile and U.S. Mail
(208) 334.2348

August 1, 2003

Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED
AUG 04 2003
WATER RESOURCES
WESTERN REGION

Re: State of Idaho Department of Corrections Transfer No. 67055 and
Application for Amendment of Permit No. 63-12296/Witness List
Our File: 30-118

Dear Gary:

At this time, United Water Idaho Inc. would like to designate Roger Dittus as a witness in the above-entitled matter. However, we reserve the right to supplement this witness list after we receive information from the State of Idaho, Department of Corrections.

Sincerely,

John Marshall
John M. Marshall *by lp*

JMM/lp

cc: David Barber
Roger Dittus

UWM ltr to Spackman re witness list.DOC

ORIGINAL

RECEIVED
AUG 01 2003
WATER RESOURCES
WESTERN REGION

LAWRENCE G. WASDEN
ATTORNEY GENERAL

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID J. BARBER (ISB #2597)
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
FAX: (208) 334-2690
dbarber@ag.state.id.us

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR TRANSFER 67055 AND)
APPLICATION FOR AMENDMENT)
OF PERMIT NO. 63-12296 IN THE)
NAME OF THE STATE OF IDAHO,)
DEPARTMENT OF CORRECTION.)**

**RESPONSE TO
SCHEDULING ORDER**

In accordance with the SCHEDULING ORDER entered on July 1, 2003, the State of Idaho Department of Correction submits its designation of witnesses, summary of testimony, and documents as follows:

I. LIST OF WITNESSES AND SUMMARY OF TESTIMONY

A. Pat Donaldson, Building Operations Manager, Idaho Department of Correction:

Mr. Donaldson will testify about the following items:

- i. the purpose of the application for transfer and application for amendment of the permit;
- ii. the history of water use at the two prisons located south of the City of Boise; and
- iii. other matters relevant to the proposed transfer and amendment.

B. Ed Squires, President Hydro Logic, Inc.:

Mr. Squires will testify about the following items:

- i. the purpose of the application for transfer and application for amendment of the permit;
- ii. the history of water use at the two prisons located south of the City of Boise;
- iii. the construction of the existing wells on the site of the two prisons;
- iv. the potential for injury to other lawful users of water by the changes proposed in the application for transfer and application for amendment; and
- v. other matters relevant to the proposed transfer and amendment.

II. LIST OF DATA, SCIENTIFIC INFORMATION, AND DOCUMENTS RELIED ON THE IDAHO DEPARTMENT OF CORRECTION

- A. The Idaho Department of Correction is relying on the official files of the Idaho Department of Water Resources in this matter and they are listed in Paragraph (i) below for purposes of completeness. The Idaho Department of Correction has already provided the documents described in paragraphs (ii) through (iv) to United Water Idaho. Those documents are not copied a second time but they are incorporated by reference:

- i. The official files of the Idaho Department of Water Resources related to the application for transfer and application for amendment of permit.
- ii. Letter dated November 15, 1999 to Mr. Dan Brown, United Water Idaho, from Mr. Keith E. Anderson with attachments.
- iii. Letter dated July 31, 2002 to Mr. Roger Dittus, United Water Idaho, from Pat Donaldson with attachments.
- iv. Letter dated July 1, 2003 to Mr. Roger Dittus, United Water Idaho, from Mr. Ed Squires, with attachments.

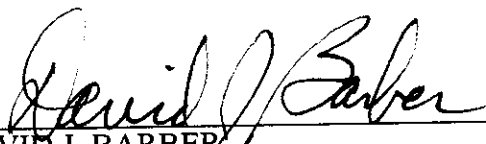
B. The following documents are submitted with this Response:

- i. Report of Ed Squires entitled "Details of Drilling, Construction, and Hydraulic Testing of the Idaho State Correctional Institution #4 Supply Well" dated November 5, 2002. (This document will be provided as soon as a copy is made or an extra copy found.)
- ii. "Water Use Analysis Report" dated November 1998.
- iii. "Water Use Analysis Report" dated December 1998.
- iv. Capital Budget Request, Six Year Plan FY2005 through FY2010.

III. SUPPLEMENTATION OF RESPONSES

The preparation for the hearing in this matter is continuing. The designation of witnesses, description of their testimony, and list of data, scientific information, and documents may be supplemented as the preparation continues for the hearing.

DATED this 31st day of July 2003.



DAVID J. BARBER
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on July 31, 2003, I served the foregoing RESPONSE TO SCHEDULING ORDER on the following persons by the method designated:

1. Original to:

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE, ID 83705-5082

STATEHOUSE MAIL

(Without Attachments)

2. One copy to the protestant:

UNITED WATER IDAHO
c/o JOHN MARSHALL
GIVENS PURLSEY
277 NORTH SIXTH ST., SUITE 200
BOISE ID 83720

HAND DELIVERED

(With Attachments)

3. One copy to the applicant:

STATE OF IDAHO
DEPT OF CORRECTION
1299 N. O RCHARD STE 110
BOISE ID 83706

STATEHOUSE MAIL

(Without Attachments)



DAVID J. BARBER
Deputy Attorney General



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED

JUL - 7 2003

Department of Water Resources

1410 North Hilton • Boise, Idaho 83706-1255 • (208) 373-0502

Dirk Kempthorne, Governor
C. Stephen Allred, Director

TSCEE/D-111/2003

July 2, 2003

Mr. Norm Noonan, Project Manager
Idaho Division of Public Works
P.O. Box 83720
Boise, Idaho 83720-0072

RE: *South Idaho Correctional Institution, Ada County Replacement Well No. 4 Pumping Facilities, Well House & Equipment Approval*

Dear Mr. Noonan:

The plans and specifications for the subject project appear to meet State of Idaho standards and are conditionally approved as noted below.

STANDARD CONDITIONS:

- A. The standard conditions on the Department of Environmental Quality (DEQ) review stamp are part of this approval. Supporting reports or documents are considered to be part of the approved documents.
- B. No work may begin until a copy of this approval letter and the approved plans and specifications are delivered to and kept on the job site. Approval conditions must be met and, as the project owner, you must ensure that the contractor, inspecting engineer, and certifying engineer are aware of these conditions.
- C. This approval will be voided if: (1) construction is not completed by July 2, 2003; (2) the project is improperly constructed operated or maintained; or (3) the project fails to function, as intended.
- D. Per the project documents, a professional engineer or construction inspector under the supervision of a professional engineer with Civil Survey Consultants shall provide construction inspection sufficient to ensure the project is built in substantial accordance with the approved plans. DEQ approval, prior to construction, is required for any substantial deviations from the approved plans and specifications. Verbal approvals, if any, shall be documented by the professional engineer in a cover letter submitted with the project record drawings.
- E. Within thirty (30) days after construction, the professional engineer shall provide DEQ with either: (1) record drawings with a cover letter as described in Item C, or (2) a letter of certification stating that the project was installed in substantial accordance with the approved plans.

PROJECT SPECIFIC CONDITIONS and COMMENTS:

- 1. The plans indicate that the floor in the well house will be sloped toward the floor drain 2.5" every 10' (1/4" per foot). The flow must be sloped at least 3" every 10' (as required in RECOMMENDED STANDARDS FOR WATER WORKS, 1997 Edition, 6.2.e).

2. The flow meter specified is not NSF approved. An NSF approved flow meter must be installed instead (as required in IDAPA 550.02). A list of NSF approved flow meters can be found at:

<http://www.nsf.org/Certified/PwsComponents/Listings.asp?ProductType=Water+Meters&>

3. A final inspection of the well and well house and initial water quality monitoring must be conducted before water from new well no. 4 can be allowed to enter the distribution system. You can contact me to schedule an inspection. You can contact Sandy Hemenway at the DEQ Boise regional office at 373-0166 if you have questions regarding initial water quality monitoring requirements.
4. Water rights issues must be resolved with the Idaho Department of Water Resources before new well no. 4 can be used.
5. Manufacturer's literature for the new equipment must be submitted to DEQ for review along with the as-built plans.

Please call me with any questions at 373-0175, or via e-mail at tthrall@deq.state.id.us.

Sincerely,



Troy Thrall
Drinking Water Engineer
DEQ Technical Services

TAT:sjt

H:\DATA\WP61\Pete_Bair\Troy_T\South Idaho Correctional well 4 pumping facilities_approval_letter.doc

Enclosures: One Set of Approved Plans and Specifications

cc: Tim Burgess, P.E., Civil Survey Consultants, Inc. (w/ enclosure)
Steve Rae, DEQ-BRO (w/ enclosure)
Steve Lester, IDWR-Western Regional Office
Chas Ariss, DEQ-BRO
Peter Bair, DEQ-TS
Central District Health Department
TSCEE/D Reading File
Boise Regional Office Source File

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR TRANSFER 67055 AND)
APPLICATION FOR AMENDMENT)
OF PERMIT NO. 63-12296 IN THE)
NAME OF THE STATE OF IDAHO,)
DEPARTMENT OF CORRECTION.)**

SCHEDULING ORDER

On November 19, 1999, the State of Idaho, Department of Correction (IDOC) filed with the Idaho Department of Water Resources (IDWR) application for transfer no. 67055 and application for amendment of permit no. 63-12296. The applications were protested by United Water Idaho. The prehearing conferences held on July 10, 2002, February 18, 2003, and June 30, 2003, did not resolve the matter of protest. IDOC has requested that the matter be set for hearing and proposed a schedule for consideration by the IDWR. The IDWR and parties discussed the proposed schedule at the prehearing conference on June 30, 2003. The parties scheduled a hearing for November 21-22, 2003, and agreed to prepare for the hearing as follows:

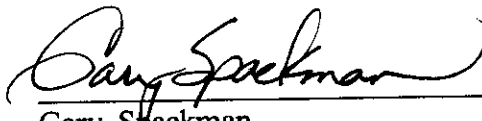
IT IS ORDERED that the parties shall provide the following information to the opposing party on or before July 31, 2003.

- A list of witnesses expected to testify at the upcoming hearing.
- A 2-3 line summary of the testimony of each witness.
- Data, scientific information, and documents each party possesses that may be used or relied on at hearing.

IT IS FURTHER ORDERED that the parties shall adhere to the following schedule in preparing for the hearing:

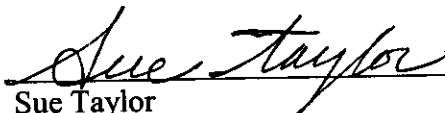
- The parties may petition for an order authorizing discovery after July 31, 2003.
- The parties shall disclose names of trial witnesses on or before September 15, 2003.
- Discovery must be completed on before October 15, 2003.
- The parties shall submit written expert testimony to the hearing officer and the opposing party by November 14, 2003. The submittal will become the direct testimony of the expert witness, subject to corrections at the hearing.
- The hearing on the merits will be conducted on November 20-21, 2003.

DATED this 1st day of July 2002.


Gary Spackman

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 2nd day of July 2003, I mailed a true and correct copy, postage prepaid, of the foregoing SCHEDULING ORDER to those listed:


Sue Taylor
Senior Secretary

STATE OF IDAHO
DEPT OF CORRECTION
1299 N. O RCHARD STE 110
BOISE ID 83706

DAVID J. BARBER
DEPUTY ATTY GENERAL
PO BOX 83720
BOISE ID 83720-0010

UNITED WATER IDAHO
C/O ROGER DITTUS
8248 W. VISTORY RD
BOISE ID 83709

JOHN MARSHALL
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 27, 2003

VIA U.S. MAIL AND FACSIMILE
(208) 334-2348

Mr. Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: In The Matter Of Application To Transfer No. 67055 and Application For
Amendment In The Name Of The State Of Idaho, Department Of Correction.

Dear Mr. Spackman:

In my letter dated March 28, 2003, to you, I identified in an attached table a set of events for the adjudication of this matter by the Department. But, I did not actually suggest any dates for those events that would occur after June 30, 2003. The purpose of this letter is to provide you and Protestant United Water Idaho with proposed dates for these events. Attached as Attachment I is a proposed schedule for the adjudication of this matter.

Sincerely,

A handwritten signature in cursive script that reads "David J. Barber".

DAVID J. BARBER
Deputy Attorney General

DJB/pb
Attachment 1
cc w/attachment:

United Water Idaho (Roger Dittus)
FACSIMILE 208 362 1479
John Marshall
FACSIMILE 208 388 1300

ATTACHMENT I
PROPOSED SCHEDULE

Event	Date
Pre-hearing Conference to discuss resolution of Protest and dates for resolution of matter	June 30, 2003
Entry of Pre-Hearing Order that governs discovery, designation of witnesses, submission of prepared expert testimony, and other dates related to a hearing on the merits.	July 14, 2003
Designation of all witnesses to be used in a party's case-in-chief	July 31, 2003
Discovery commences	July 31, 2003
Designation of all rebuttal witnesses	September 15, 2003
Discovery closes	October 15, 2003
Submission of written prepared expert testimony for a party's case-in-chief	November 14, 2003
Hearing on the merits	November 20-21, 2003
Submission of post-hearing opening briefs	December 8, 2003
Submission of post-hearing response briefs	December 15, 2003

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Conducted by: Gary Spackman

NAME _____

ADDRESS

Ed Squires	1002 W. Franklin	83702
Deborah Nelson	Givens Pursley	Boise 83702
David J Barber	Statehouse, Rm 210	Boise 83720
PAT DONALDSON	1299 N. Orchard Suite 110	Boise 83706



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

RECEIVED
JUN 30 2003
WATER RESOURCES
WESTERN REGION

June 27, 2003

VIA U.S. MAIL AND FACSIMILE
(208) 334-2348

Mr. Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: In The Matter Of Application To Transfer No. 67055 and Application For
Amendment In The Name Of The State Of Idaho, Department Of Correction.

Dear Mr. Spackman:

In my letter dated March 28, 2003, to you, I identified in an attached table a set of events for the adjudication of this matter by the Department. But, I did not actually suggest any dates for those events that would occur after June 30, 2003. The purpose of this letter is to provide you and Protestant United Water Idaho with proposed dates for these events. Attached as Attachment I is a proposed schedule for the adjudication of this matter.

Sincerely,

A handwritten signature in black ink that reads "David J. Barber".

DAVID J. BARBER
Deputy Attorney General

DJB/pb
Attachment 1
cc w/attachment:

United Water Idaho (Roger Dittus)
FACSIMILE 208 362 1479
John Marshall
FACSIMILE 208 388 1300

RECEIVED

JUN 30 2003

WATER RESOURCES
WESTERN REGIONATTACHMENT I
PROPOSED SCHEDULE

Event	Date
Pre-hearing Conference to discuss resolution of Protest and dates for resolution of matter	June 30, 2003
Entry of Pre-Hearing Order that governs discovery, designation of witnesses, submission of prepared expert testimony, and other dates related to a hearing on the merits.	July 14, 2003
Designation of all witnesses to be used in a party's case-in-chief	July 31, 2003
Discovery commences	July 31, 2003
Designation of all rebuttal witnesses	September 15, 2003
Discovery closes	October 15, 2003
Submission of written prepared expert testimony for a party's case-in-chief	November 14, 2003
Hearing on the merits	November 20-21, 2003
Submission of post-hearing opening briefs	December 8, 2003
Submission of post-hearing response briefs	December 15, 2003

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER 67055 AND)
APPLICATION FOR AMENDMENT)
OF PERMIT NO. 63-12296 IN THE)
NAME OF THE STATE OF IDAHO,)
DEPARTMENT OF CORRECTION)

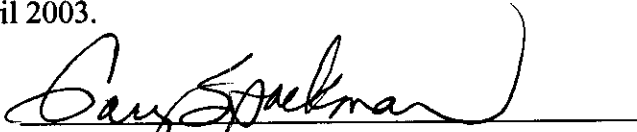
**NOTICE OF THIRD
PREHEARING CONFERENCE**

On November 19, 1999 the State of Idaho, Department of Correction filed with the Department of Water Resources (IDWR) application for transfer no. 67055 and application for amendment of permit no. 63-12296. The applications were protested by United Water Idaho. The prehearing conference held on July 10, 2002 and February 18, 2003 did not resolve the matter of protest.

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

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

Dated this 7th day of April 2003.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of April 2003 I mailed a true and correct copy, postage prepaid, of the Notice of Third Prehearing Conference to those listed:



Sue Taylor
Senior Secretary

STATE OF IDAHO
DEPT OF CORRECTION
1299 N ORCHARD STE 110
BOISE ID 83706

DAVID J BARBER
DEPUTY ATTY GENERAL
PO BOX 83720
BOISE ID 83720-0010

UNITED WATER IDAHO
C/O ROGER DITTUS
8248 W VICTORY RD
BOISE ID 83709

JOHN MARSHALL
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR AMENDMENT

Section 42-222, Idaho Code, requires the department to consider the following issues in connection with an application for amendment:

1. Will other water rights be injured by the transfer or the amendment?
2. Will the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant bears the initial burden of proof for issues 1, 2 and 4 above and must provide evidence for the department to evaluate these criteria. The applicant must also establish that the water right is valid. Forfeiture must be established by clear and convincing evidence.

PROCEDURE

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

CONFERENCE

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

HEARING

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

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

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

EXHIBITS

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

AMERICANS WITH DISABILITIES ACT

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

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER

Section 42-222, Idaho Code, requires the department to consider the following issues in connection with an application for transfer:

- 1) Will the proposed transfer injure other water rights?
- 2) Will the proposed transfer constitute an enlargement in use of the original right?
- 3) Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
- 4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

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

The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

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

CONFERENCE

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

HEARING

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

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

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

EXHIBITS

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

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility 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 hearing please advise the department within ten (10) days prior to the hearing.



RECEIVED

MAR 31 2003

Department of Water Resources

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

RECEIVED

APR 01 2003

WATER RESOURCES
WESTERN REGION

March 28, 2003

Mr. Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: In The Matter Of Application To Transfer No. 67055 and Application For
Amendment In The Name Of The State Of Idaho, Department Of Correction.

Dear Mr. Spackman:

This letter is in response to the Prehearing Order entered on March 5, 2003. The State of Idaho, Department of Correction, would like to proceed to hearing in the above-entitled matter. Enclosed is a proposed schedule that accommodates our need to collect and analyze data prior to the hearing. The proposed schedule only includes a specific date for the first three items listed. The dates for the later events would be a matter for discussion at the next Pre-Hearing Conference. I listed the other events to provide all parties an opportunity to think about appropriate dates for those events. Finally, Mr. Ed Squires, an expert retained by the Department of Correction, recently sent a letter dated March 15, 2003, to Mr. Steve Lester about some of the wells involved in the transfer. I ask that the Department include this letter in the hearing record.

Sincerely,

DAVID J. BARBER
Deputy Attorney General

DJB/pb
Enclosures 2
cc w/enclosures:

United Water Idaho (Roger Dittus)
John Marshall

PROPOSED SCHEDULE

Event	Date
Entry of Pre-hearing Order that sets date for next Pre-Hearing Conference	April 8, 2003
Complete analysis of proposed Transfer & Amendment and complete a needs analysis of prison	May 30, 2003
Pre-hearing Conference to discuss resolution of Protest and dates for resolution of matter	June 30, 2003
Entry of Pre-Hearing Order that governs discovery, designation of witnesses, submission of prepared expert testimony, and other dates related to a hearing on the merits.	
Designation of all witnesses to be used in a party's case in chief	
Discovery Commences	
Designation of all rebuttal witnesses	
Discovery closes	
Submission of dispositive motions	
Submission of responses to dispositive motions	
Hearing on dispositive motions	
Submission of written prepared expert testimony for a party's case-in-chief	
Hearing on the merits	
Submission of post-hearing opening briefs	
Submission of post-hearing response briefs	

March 15, 2003

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

RECEIVED

MAR 19 2003

WATER RESOURCES
WESTERN REGION

Re: Idaho State Correctional Institution Well #4 Replacement Project.

Dear Steve:

I am writing on behalf of my client, the Idaho Department of Corrections (IDOC), with respect to water right transfer No. 67055 and an in-progress replacement well project for IDOC's #4 municipal supply well. As you are aware, IDOC filed an application for drilling permit to replace its #4 supply well in 2000. The well was commenced in September 2000 with the test-pumping of the new well completed almost exactly one year later; in September of 2001. One of the conditions of approval of the drilling permit was that the existing Well #4 (well to be replaced) be properly abandoned after construction of the new well was completed. The following narrative presents the complicated set of circumstances behind why the old Well #4-A remains in operation and why the new replacement well has not yet been equipped or placed into service.

Owing to serious cut-backs in the State's budget, the new IDOC Well #4-B has not yet been equipped with its pumping plant or connected to the IDOC water distribution system. In other words, the old Well #4-A remains in service to provide water to the facility pending: 1) final installation of the new well's pumping plant, 2) construction and equipping of the new pump house, and 3) final approval of Transfer No. 67055 which seeks to maintain the old Well #4-A as a point of diversion for ISCI's water rights.

Contemporaneous with IDOC's #4 well drilling project, IDOC had filed with the IDWR to transfer and amend its existing water rights portfolio. One of the proposed changes includes the addition of a point of diversion to accommodate the new well (Well #4-B) and to maintain the old #4-A well as a point of diversion for its water rights. Said differently, IDOC seeks to not abandon its original #4-A well (as conditionally required by the original drilling permit), and instead, maintain it as a source by adding it as a point of diversion for its water rights through a transfer process.

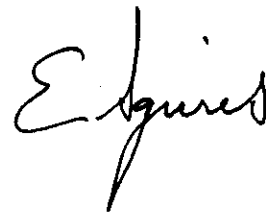
Transfer No. 67055 was filed by the IDOC on 11/19/1999. A subsequent protest of the application, yet to be resolved, has resulted in delays to processing. As previously stated, IDOC seeks to maintain both #4-A and #4-B wells as points of diversion. Until the protested matter, and the budgetary consideration mentioned above, can be resolved, it is IDOC's intention to not produce water from two of the #4 wells at the same time. Rather, one or the other of the two wells will be used exclusively. At the current time, only the old (#4-A) well is equipped with a pump and is interconnected to the

distribution system. Owing to inherent problems with the old well (the reasons for replacement), IDOC needs and intends to equip the new well at its earliest convenience. Because there is not presently a time frame for resolution of the protested water right transfer (which is also affected by the State's budget deficit) it is possible, if not likely, that the new replacement well (4-B) would be equipped and interconnected to the water system before the transfer matter is settled. Should this be the case, IDOC wants to assure the Department that only one of the two wells would be diverted for use at a given time. The old well (#4-A) is equipped with a totalizing flow-meter (see attached photograph) and the new well (#4-B), at such time that it is fitted with a pump and brought on line, would be similarly equipped. Therefore, until the transfer matter is settled, IDOC can record totalizer readings and instantaneous flow rates to document its use (or actually its non-use) from either of the two wells. For example, until the new well #4-B is equipped with its pumping plant, only well #4-A can be diverted to the system and no monitoring is required. At such time that the new well #4-B is able to be diverted to use, well #4-A will be deactivated and the totalizer gallons recorded and forwarded to IDWR. In summary, only one of the #4 wells will be diverted at any given time. The plan is for the old well #4-A to be used until the new well #4-B can be equipped. When well #4-B is brought on line, well #4-A will be taken off line, its totalizing flow-meter recorded and sent to IDWR, and not used.

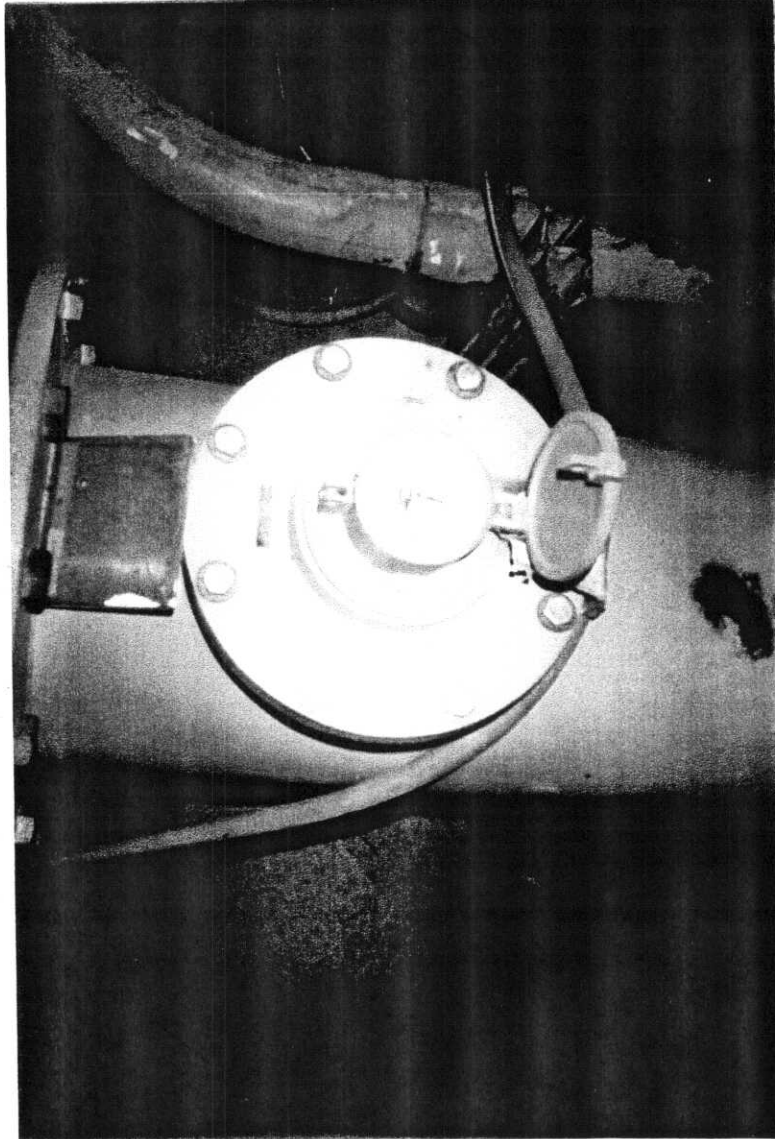
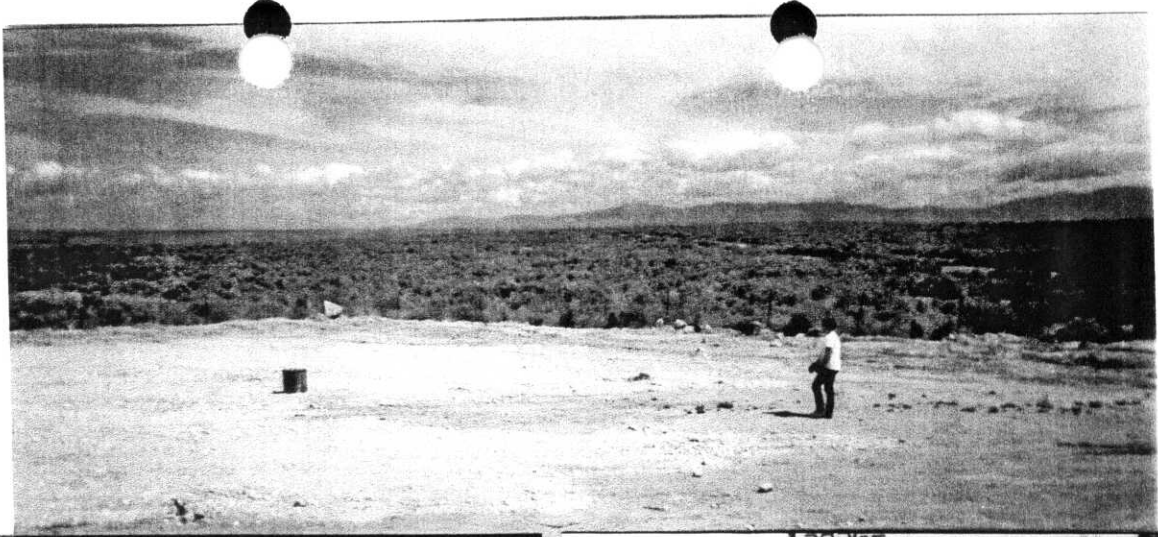
I hope that this explanation and use plan is acceptable to the Department until such time the water right issues are resolved. If you feel that it is absolutely necessary, IDOC could install a water-level monitoring device in the new well #4-B to document its non-use. The well casing is covered with a welded steel plate at this time (see attached photographs) and we do not feel that monitoring of the idle well should be required at this time. Please contact me with questions and/or to confirm that the suggested actions are acceptable to the Department.

Respectfully,

Ed Squires



c: Pat Donaldson, IDOC Construction Manager
David J. Barber, State Attorney Generals Office



Photographs of the Idaho State Correctional Institution's #4 well installations. Upper and lower-right photos are of the newly completed Well #4-B which is capped and not currently equipped with a pump or connected to the facility's distribution system. The lower-left view shows the totalizing flow-meter installed on the Well #4-A supply well.

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
TO TRANSFER NO. 67055 AND)
APPLICATION FOR AMENDMENT)
IN THE NAME OF THE STATE OF)
IDAHO, DEPARTMENT OF)
CORRECTIONS)**

PREHEARING ORDER

On February 18, 2003, a prehearing conference was conducted concerning the above contested matter. During the prehearing conference, the parties confirmed that the parties had exchanged some technical information, and that additional data needed to be gathered, exchanged, and analyzed. The Idaho Attorney General's Office has retained a professional hydrogeologist to review the applications and existing data. This review should be complete within approximately one month of the date of the prehearing conference. The hydrogeologist will estimate what additional data must be gathered and analyzed, and also estimate the cost of his services.

Following completion of the initial review by the hydrogeologist, Idaho Department of Corrections and the Attorney General's Office will review their budgets to determine whether there are sufficient funds to complete the data gathering and analysis.

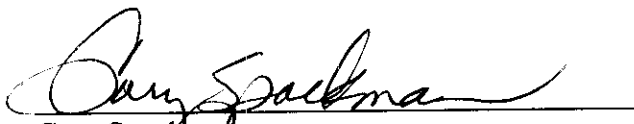
ORDER

IT IS HEREBY ORDERED that on or before April 1, 2003, the Idaho Department of Corrections shall submit a letter to the Idaho Department of Water Resources (IDWR) stating one of the following alternatives:

- (1) It has insufficient funds to conduct the study, and requests that IDWR suspend processing of its applications, or

(2) It has contracted with the hydrogeologist to conduct the work, and is requesting that IDWR continue to process the applications. The request to continue processing shall suggest a timeline for data gathering; coordination between the parties related to data gathering, compilation, and analysis; and also an approximate date for a hearing.

Dated this 5th day of March 2003.


Gary Spackman
Hearing Officer

CERTIFICATE OF MAILING

I hereby certify that on this 5th day of March, 2003 I mailed a true and correct copy, postage prepaid, of this Prehearing Order to those listed below:


Sue Taylor
Senior Secretary

STATE OF IDAHO
DEPT OF CORRECTIONS
1299 N ORCHARD STE 110
BOISE ID 83706

JOHN MARSHALL
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701

UNITED WATER IDAHO
ROGER DITTUS
8248 W VICTORY RD
BOISE ID 83709

DAVID J BARBER
DEPUTY ATTY GENERAL
PO BOX 83720
BOISE ID 83720-0010

David J. Barber - Natural Resources - serv documents
John Marshall - served for United Water

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES 2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Application for Transfer of Permit No. 63-12296 in the Name of the Department of Corrections

Place: IDWR Western Region, 2735 Airport Way, Boise, Idaho 83705

Date: February 18, 2003

Conducted by: Gary Spackman

NAME

ADDRESS

Roger Dittus	4600 Clark St. Boise, ID.
Ed Squires	1002 W. Franklin St., 83702
Harriet Hensley	State Capital Building
PAT DAWKSON	1299 N. Orchard, Suite 110 Boise 83706
John Marshall	Crisens Porsley LLP

MEMORANDUM

File

Steve Lester *SL*

February 5, 2003

RECEIVED

SEP 12 2003

Department of Water Resources

RECEIVED
SEP 12 2003
Department of Water Resources
DATE

RE: IDOC Transfer No. 67055 & Amendment No. 69884

This memo serves as a brief summary of the situation. A more thorough memo will follow resolution of the protest.

The transfer and amendment of permit applications were revised in early 2002 to add two other wells to this package.¹ See the amended legal notice under the 6-20-2002 file entry for a summary of the proposed changes to create a collection of irrigation/municipal rights serving the old and new prison sites south of Boise.

Pat Donaldson with IDOC has been the primary contact person for the applicant. Consultant Keith Anderson (recently deceased) provided considerable assistance to the applicant. I understand David Barber (or his assistant) from the attorney general's office will represent the applicant at the next prehearing conference.

The original 1999 applications were not protested. United Water, represented by Givens Pursley, protested the 2002 amended filings.

Discussion

The transfer includes five licenses and three beneficial use claims. All the rights in the transfer are fully claimed in the SRBA. The licenses were claimed in 1989, tolling forfeiture after that date under the new transfer policy effective late last year. The beneficial use claims were filed in 1995. The transfer decision will affect all of the adjudication claim records.

The amendment addresses Permit No. 12296. That permit and license 63-3445 (license revised by approval of Transfer 5314 in 1998) cover the new prison site while the remaining rights serve the old prison. It should be noted that the permit is considered

¹ A replacement well was drilled in 2001, although it became an *additional* well after being completed. The revised applications add this well plus older unused well no. 6 to the package. The complete list of wells identifies nos. 1-8 plus 4B. The latter is the well drilled in 2001.

SCANNED

FEB 05 2003

SEE 10/17/06 MEMO
for current info -SL

fully consumptive due to land application of wastewater. The permit is outside of the scope of the SRBA.

Ron Howerton completed a thorough examination of all the SRBA claims in 1995. He prepared a draft summary of his field exams, documenting beneficial use and all other necessary elements of the claims. Additional fieldwork is not needed. The applicant provided additional data on 8-22-2002 about water uses at the sites.

If approved, the amended transfer will address dual water uses at the two prison sites. Four wells will provide most if not all of the irrigation water, and five other wells will function as municipal sources for the rest of the water needs. The five municipal wells can serve as backup irrigation wells if necessary. The four irrigation wells cannot serve as backup wells for municipal use. Volume limitations for municipal use would be necessary if the transfer is approved.

If approved, the amended permit will provide municipal use. A volume cap on municipal use would be needed in approving the amendment. A volume limitation has not been quantified yet for the amendment proposal.

Both filings propose a service area boundary within which irrigation and municipal uses would occur from some combination of nine wells.

SCANNED

FEB 05 2003

CONVERSATION MEMORANDUM

DATE 2/4/03

FILE T. 67055

NAME OF PARTY David Barber A.G.'s office Amendment 69884

EMPLOYEE DL

RE: "Monsieur et c."

Atty. from A.G. office (for IDUC) visited today.
Discussed

Monsieur
processing guidelines
& related items
Did not discuss substantive issues & IDUC filings.

gave him cc of 1992 Monsieur order
1995 order listing Br 63 Monsieur
1996 Appl. memo #59 & processing
in Br. 63

OFFICE OF
ATTORNEY GENERAL



LAWRENCE G. WARDEN
ATTORNEY GENERAL

DAVID J. BARBER
DEPUTY ATTORNEY GENERAL
NATURAL RESOURCES DIVISION

700 W. JEFFERSON, STATEHOUSE ROOM 207
P.O. BOX 83720, BOISE, IDAHO 83720-0010
(208)334-4141, FAX (208)334-2690
e-mail: dbarber@ag.state.id.us

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR TRANSFER 67055 AND)
APPLICATION FOR AMENDMENT)
OF PERMIT NO. 63-12296 IN THE)
NAME OF THE STATE OF IDAHO,)
DEPARTMENT OF CORRECTION)**

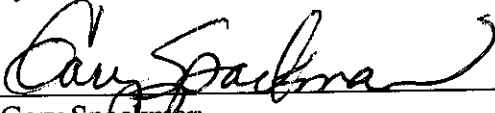
**NOTICE OF SECOND
PREHEARING CONFERENCE**

On November 19, 1999 the State of Idaho, Department of Correction filed with the Department of Water Resources (IDWR) application for transfer no. 67055 and application for amendment of permit no. 63-12296. The applications were protested by United Water Idaho. The prehearing conference held on July 10, 2002 did not resolve the matter of protest.

IDWR has scheduled a conference for the protest to be held on **Tuesday, February 18, 2003 at 2:00 p.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705**. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

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

Dated this 9th day of January 2003.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of January 2003 I mailed a true and correct copy, postage prepaid, of the Notice of Second Prehearing Conference to those listed:

A handwritten signature in cursive script, reading "Sue Taylor", is written over a horizontal line.

Sue Taylor
Senior Secretary

STATE OF IDAHO
DEPT OF CORRECTION
1299 N ORCHARD STE 110
BOISE ID 83706

UNITED WATER IDAHO
C/O ROGER DITTUS
8248 W VICTORY RD
BOISE ID 83709

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER

Section 42-222, Idaho Code, requires the department to consider the following issues in connection with an application for transfer:

- 1) Will the proposed transfer injure other water rights?
- 2) Will the proposed transfer constitute an enlargement in use of the original right?
- 3) Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
- 4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

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

The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

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

CONFERENCE

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

HEARING

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

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

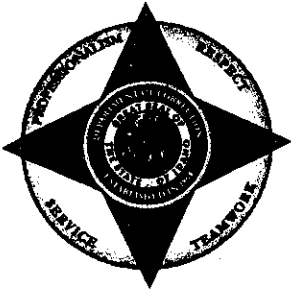
Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

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

AMERICANS WITH DISABILITIES ACT

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



IDAHO DEPARTMENT OF CORRECTION

"Protecting You and Your Community"

DIRK KEMPTHORNE
Governor

THOMAS J. BEAUCLAIR
Director

RECEIVED
AUG 02 2002
WATER RESOURCES
WESTERN REGION

July 31, 2002

Mr. Roger Dittus
United Water Idaho
8248 West Victory Road
P.O. Box 7488
Boise, ID 83707-1488

Re: Application for Transfer No. 67055 and Application for Amendment for Water Right No. 63-12296

Dear Mr. Dittus,

In our meeting on July 10, 2002 at the Department of Water Resources, Western Region, the Department of Correction and our consultant Keith Anderson agreed to provide some information to your firm that had been previously collected regarding historical water usage. The attached information relates primarily to our irrigation wells No. 2 and 5. I have also included a copy of flow meter readings of our domestic well No. 3. Because the flow meter is located downstream of our storage tank, the readings are primarily system demand.

I have also enclosed documents relating to the original application and advertisement for this transfer more than two years ago. Everything in the present transfer application under consideration was up for review at that time - with exception of the two additional points of diversion now being requested. At that time our consultant discussed all of the items in some detail with your attorney, Chris Meyer, who saw no reason for protest but wanted it also reviewed by your engineer, Dan Brown. Mr. Brown was then fully informed as to the proposed transfer. No protest was filed by United Water. Consequently we feel that the only matter for discussion at this time relates to the additional two points of diversion. These additional points of diversion will not increase the presently authorized total rates or annual volumes of diversion and will not result in an expansion of our existing rights.

If you have any questions please call my office.

Sincerely,

Pat Donaldson
Building Operations Manager

cc: Keith Anderson
Gary Spackman, IDWR

Water Use

Water from both Wells No. 2 and 5 has been used exclusively for the irrigation of the prison farm lands, with the exception of some water use in 1998 for the construction activities at the new private prison.

During the new prison construction, some water for masonry and related work was obtained from Wells No. 3 and 4 (east of Pleasant Valley road) through a newly constructed 6-inch pipeline. The major source of water, however, was from Well No. 5 (or the combination with No. 2) for site preparation, earthwork, and dust control. Actual construction work began in April 1998. It is estimated that water use from Well No. 5 was typically in the range of 200,000 to 400,000 gallons per day until very recently.

Water will be used from Wells No. 2 and 5 for filling the new effluent storage pond to check for leakage. Filling the pond will require about 34 million gallons (104 acre feet). This filling is scheduled to begin in November 1998 during which time it is proposed to conduct tests for well and pump efficiency at both wells.

Neither Well 2 or 5 is equipped with a flowmeter to measure the rate of pump discharge, although installation of such meters is being recommended. The best approximation of water use from these wells, in recent years, is probably calculated from electric energy consumption data available from the Idaho Power Co. Table 1 in the Appendix summarizes energy use (kilowatt-hours) and the kilowatt demand for each well, by monthly periods of the irrigation season, for a part of 1987 through 1998. An approximation of the average hours of operation at each well can be derived by dividing the energy use by demand—also shown on Table 1.

In estimating the historical volume of water pumped for irrigation, the following assumptions have been made:

<u>Well</u>	<u>Total lift (ft) *</u>	<u>Overall efficiency (%)</u>
No. 2	575	75±
No. 5	600	75±

* = depth to water while pumping, plus discharge pressure of 70 psi

Using these assumptions, the irrigation pumping (in acre-feet) would have been about:

<u>Year</u>	<u>Well No. 2</u>	<u>Well No. 5</u>	<u>Total</u>	<u>Well 5 (As Percentage)</u>
1988	1,110	681	1,792	38
1989	1,097	770	1,868	41
1990	1,058	663	1,721	39
1991	1,268	485	1,753	28
1992	1,405	439	1,844	24
1993	1,092	473	1,565	30
1994	1,250	890	2,140	42
1995	1,020	715	1,735	41
1996	1,085	632	1,717	37
1997	902	586	1,488	39
1998	602	591	1,192	50
11-yr Average	1,081	630	1,710	37

These estimates of the amount of irrigation water pumped seem to agree quite well, in different years, with the estimated irrigated areas for an average delivery of about 3 Ac-Ft per acre.

Using the above estimates, as well as the estimated hours of pumping from Table 1, the calculated rate of pumping would be about 2,700 gpm (6.02 cfs) at Well No. 2, and about 1,900 gpm (4.23 cfs) at Well No. 5. However, these should be considered as very rough approximations. The individual well tests scheduled for November 1998 will give good information on discharge rates, as well as water levels.

In addition to the foregoing, relatively minor quantities of water are also used west of Pleasant Valley road to meet the requirements of the meat packing plant and the dairy. Both of these facilities receive water, by pipeline, from the Wells 3 & 4 system east of the Pleasant Valley road. Beneficial use claims were filed for the SRBA in November 1995 for these two facilities.

The water right for the meat packing plant is a beneficial use claim (A 63-30297) for the domestic use of 0.04 cfs in the SW 1/4 SE 1/4 SE 1/4 section 29 (listed incorrectly on the SRBA claim profile report as being in section 27). Water right for the prison dairy is a beneficial use claim (A 63-30298) for stockwater use of 0.24 cfs for 140 head of dairy livestock, 530 head of non-dairy livestock, and dairy barn use. Place of use includes locations in the NW 1/4, SW 1/4, and SE 1/4 of section 29. Present dairy production is about 8,600 pounds of milk per day, of which about one-half is consumed at the prison and one-half sold to a commercial milk facility offsite.

TABLE 1 - ELECTRICAL ENERGY USE RECORDS

From	To	IDOC Well No. 2		IDOC Well No. 5			Well No. 2	Well No. 5
		Energy-Kwh	Demand-KW	Energy-Kwh	Demand-KW		Average Hrs.	Average Hrs.
1,987								
7/3/87	8/3/87			119,040	276			431
8/3/87	9/2/87	0	0	182,040	288		0	632
9/2/87	10/2/87	77,880	384	10,800	240		203	45
10/2/87	10/15/87	48,480	384	0	0		126	0
1,988								
4/1/88	5/3/88	49,080	384	51,360	294		128	175
5/3/88	6/2/88	149,880	384	140,520	300		390	468
6/2/88	7/1/88	219,120	384	45,120	288		571	157
7/1/88	8/2/88	155,280	396	106,440	288		392	370
8/2/88	9/1/88	126,840	384	186,960	288		330	649
9/1/88	10/3/88	139,920	384	28,680	276		364	104
10/3/88	11/2/88	33,360	384	0	0	Season	87	0
	(Season)	873,480		559,080		Total Hrs.	2,262	1,922
1989								
4/21/89	5/2/89	480	384	120	180		1	1
5/2/89	6/1/89	174,960	396	61,560	300		442	205
6/1/89	6/30/89	206,760	396	107,160	299		522	358
6/30/89	8/1/89	236,040	396	141,120	276		596	511
8/1/89	8/31/89	149,400	384	165,840	294		389	564
8/31/89	10/2/89	94,200	384	118,320	288		245	411
10/2/89	11/1/89	1,200	360	38,280	276	Season	3	139
	(Season)	863,040		632,400		Total Hrs.	2,199	2,189
1990								
4/2/90	5/1/90	116,520	384	53,040	300		303	177
5/1/90	5/31/90	108,960	384	46,920	300		284	156
5/31/90	6/29/90	127,080	384	60,840	294		331	207
6/29/90	7/31/90	193,320	384	146,880	283		503	519
7/31/90	8/30/90	172,080	384	157,440	300		448	525
8/30/90	10/1/90	114,240	384	78,720	288		298	273
10/1/90	10/31/90	0	0	0	0	Season	0	0
	(Season)	832,200		543,840		Total Hrs.	2,167	1,857
1991								
5/7/91	5/16/91	51,960	384	12,960	288		135	45
5/16/91	6/17/91	188,160	384	151,200	288		490	525
6/17/91	7/17/91	241,320	396	117,240	288		609	407
7/17/91	8/15/91	156,840	384	29,400	280		408	105
8/15/91	9/16/91	219,360	396	30,240	280		554	108
9/16/91	10/16/91	139,800	384	56,880	294	Season	364	193
	(Season)	997,440		397,920		Total Hrs.	2,561	1,384
1992								
3/26/92	4/15/92	0	0	0	0			
4/15/92	5/15/92	247,560	396	122,880	360		625	341
5/15/92	6/16/92	262,560	396	103,080	276		663	373
6/16/92	7/16/92	217,440	384	68,280	282		566	242
7/16/92	8/14/92	269,400	408	30,880	300		660	103
8/14/92	9/15/92	108,480	396	35,280	264		274	134
9/15/92	10/15/92	0	0	0	0	Season		
	(Season)	1,105,440		360,400		Total Hrs.	2,789	1,194

Table 1 - Electrical Energy Use (Cont'd)

Table 1 - Electrical Energy Use (Cont'd)								
From	To	IDOC Well No. 2		IDOC Well No. 5			Well No. 2	Well No. 5
		Energy-Kwh	Demand-KW	Energy-Kwh	Demand-KW		Average Hrs.	Average Hrs.
1993								
4/22/93	5/17/93	42,480	396	23,280	282		107	83
5/17/93	6/16/93	92,160	396	76,080	288		233	264
6/16/93	7/16/93	198,600	408	82,200	264		487	311
7/16/93	8/17/93	264,240	408	48,360	276		648	175
8/17/93	9/16/93	261,600	396	158,400	252		661	629
9/16/93	10/10/93	0	0	0	0	Season	0	0
	(Season)	859,080		388,320		Total Hrs.	2,135	1,462
1994								
4/1/94	4/15/94	29,280	384	18,000	294		76	61
4/15/94	5/17/94	299,400	396	144,960	264		756	549
5/17/94	6/16/94	108,360	384	137,280	360		282	381
6/16/94	7/18/94	164,400	384	145,920	264		428	553
7/18/94	8/16/94	209,280	384	121,800	252		545	483
8/16/94	9/15/94	128,400	396	109,200	276		324	396
9/15/94	10/14/94	44,160	384	53,280	290	Season	115	184
	(Season)	983,280		730,440		Total Hrs.	2,527	2,607
1995								
4/19/95	5/16/95	72,120	384	45,120	300		188	150
5/16/95	6/15/95	0	0	51,360	282		0	182
6/15/95	7/17/95	183,360	420	137,520	276		437	498
7/17/95	8/16/95	199,680	396	104,520	264		504	396
8/16/95	9/15/95	274,680	396	171,240	276		694	620
9/15/95	10/17/95	72,120	384	77,160	276	Season	188	280
	(Season)	801,960		586,920		Total Hrs.	2,010	2,127
1996								
4/18/96	5/17/96	116,640	384	71,620	270		304	265
5/17/96	6/18/96	63,000	384	40,080	264		164	152
6/18/96	7/18/96	273,720	396	154,920	252		691	615
7/18/96	8/16/96	164,400	396	108,960	264		415	413
8/16/96	9/17/96	235,440	384	143,520	252		613	570
9/17/96	10/16/96	0	0	0	0	Season	0	0
	(Season)	853,200		519,100		Total Hrs.	2,187	2,014
1997								
3/14/97	4/15/97	960	384	240	264		3	1
4/15/97	5/15/97	128,880	396	84,720	288		325	294
5/15/97	6/16/97	65,880	384	40,080	246		172	163
6/16/97	7/16/97	177,840	396	100,680	252		449	400
7/16/97	8/14/97	66,480	384	65,880	276		173	239
8/14/97	9/15/97	236,160	384	168,120	276		615	609
9/15/97	10/14/97	33,000	384	21,360	252	Season	86	85
	(Season)	709,200		481,080		Total Hrs.	1,823	1,790
1,998								
4/14/98	5/14/98	1,680	372	1,440	288		5	5
5/14/98	6/15/98	0	0	0	0		0	0
6/15/98	7/15/98	216,000	384	0	0		563	0
7/15/98	8/14/98	159,240	372	148,920	276		428	540
8/14/98	9/15/98	96,240	372	164,640	300		259	549
9/15/98	10/14/98	0	0	170,040	276	Season	0	616
	(Season)	473,160		485,040		Total Hrs.	1,254	1,709

WELL #3
Daily Checklist

2002

DATE	OIL TOP END	OIL LOW END	FLOW METER	GAL	HR METER	HRS	GPM	GPH	AMPS	CL	COMMENTS
1/1	x	x									
1/2	x	x									
1/3	x	x	673,644,000	1,089,000	1,360.2	17.3	1,049.13	62,947.98	394		
1/4	x	x	674,029,000	385,000	1,365.8	5.6	1,145.83	68,750.00			
1/5	x	x									
1/6	x	x									
1/7	x	x									
1/8	x	x	675,636,000	1,607,000	1,390.7	24.9	1,075.64	64,538.15			
1/9	x	x									
1/10	x	x	676,306,000	670,000	1,400.6	9.9	1,127.95	67,676.77			
1/11	x	x	676,658,000	352,000	1,405.6	5.0	1,173.33	70,400.00	394		Drained sand
1/12	x	x									
1/13	x	x									
1/14	x	x	677,752,000	1,094,000	1,423.2	17.6	1,035.98	62,159.09			Check well 4
1/15	x	x	678,133,000	5,578,000	1,428.6	5.4	17,216.05	1,032,962.96	390		
1/16	x	x									
1/17	x	x	678,920,000	787,000	1,441.6	13.0	1,008.97	60,538.46			
1/18	x	x	679,335,000	415,000	1,447.5	5.9	1,172.32	70,338.98			
1/19	x	x									
1/20	x	x									
1/21	x	x									
1/22	x	x									
1/23	x	x	681,191,000	1,856,000	1,475.6	28.1	1,100.83	66,049.82	394		Drained sand
1/24	x	x	681,677,000	486,000	1,483.6	8.0	1,012.50	60,750.00			Check heat
1/25	x	x									
1/26	x	x									
1/27	x	x									
1/28	x	x									
1/29	x	x	683,663,000	1,986,000	1,513.0	29.4	1,125.85	67,551.02			Drained sand
1/30	x	x	684,092,000	429,000	1,519.4	6.4	1,117.19	67,031.25	394		
1/31	x	x									

WELL #3
Daily Checklist

2002

DATE	OIL LOW END	FLOW METER	GAL	HR METER	HRS	GPM	GPH	AMPS	CL	COMMENTS
2/1	x									
2/2	x	685,300,000	1,208,000	1,537.6	18.2	1,106.23	66,373.63			Drained sand/ 30 min.
2/3	x									
2/4	x	686,016,000	716,000	1,548.7	11.1	1,075.08	64,504.50	394		
2/5										
2/6		686,969,000	953,000	1,562.4	13.7	1,159.37	69,562.04			Drained sand/ add oil to resevoir
2/7	x	687,336,000	367,000	1,567.5	5.1	1,199.35	71,950.78	390		
2/8	x	687,730,000	394,000	1,574.0	6.5	1,010.26	60,615.38			Check fire house & well 4
2/9	x									
2/10	x									
2/11	x	688,934,000	1,204,000	1,592.2	18.2	1,102.56	66,153.85			
2/12	x	689,347,000	413,000	1,598.3	6.1	1,128.42	67,704.92	394		
2/13	x	689,781,000	434,000	1,604.7	6.4	1,130.21	67,812.50			
2/14	x	690,187,000	406,000	1,610.4	5.7	1,187.13	71,228.07			
2/15	x	690,725,000	538,000	1,618.7	8.3	1,080.32	64,819.28			
2/16	x									
2/17	x									
2/18	x									
2/19	x	692,143,000	1,418,000	1,640.6	21.9	1,079.15	64,748.86	394		Drained sand
2/20	x	692,574,000	431,000	1,647.1	6.5	1,105.13	66,307.69			
2/21	x									
2/22	x									
2/23	x									
2/24	x									
2/25	x									
2/26	x	695,204,000	2,630,000	1,688.8	41.7	1,051.16	63,069.54	390		Turn off water to 4 & range/ frozen
2/27	x	695,485,000	281,000	1,693.1	4.3	1,089.15	65,348.84	390		Drained sand/ 30 min.
2/28	x	696,080,000	595,000	1,702.0	8.9	1,114.23	66,853.93			

WELL #3
Daily Checklist

2002

DATE	OIL TOP END	OIL LOW END	FLOW METER	GAL	HR METER	HRS	GPM	GPH	AMPS	CL	COMMENTS
3/1	x	x	696,322,000	242,000	1,705.3	3.3	1,222.22	73,333.33			
3/2	x	x		0							
3/3	x	x		0							
3/4	x	x	697,533,000	1,211,000	1,723.9	18.6	1,085.13	65,107.53	394		Drained sand/motor started then shut down
3/5	x	x	697,977,000	444,000	1,730.5	6.6	1,121.21	67,272.73			clean well/motor short cycle/JC there
3/6	x	x	698,453,000	476,000	1,737.6	7.1	1,117.37	67,042.25			820 amps/ shut down
3/7	x	x	699,010,000	557,000	1,746.0	8.4	1,105.16	66,309.52	386		short cycle/ 780 amps
3/8	x	x			1,752.4	6.4	0.00	0.00	398		510 lbs and running fine/motor started
3/9	x	x									1500 hamps/kept running 2 hrs.
3/10	x	x									
3/11	x	x	700,487,000	1,477,000	1,769.9	17.5	1,406.67	84,400.00			check well
3/12	x	x	700,900,000	413,000	1,775.8	5.9	1,166.67	70,000.00	398		drained sand
3/13	x	x									
3/14	x	x	701,770,000	870,000	1,788.3	12.5	1,160.00	69,600.00	394		oil half full in tank
3/15	x	x	702,346,000	576,000	1,797.8	9.5	1,010.53	60,631.58	394		check chl barrel
3/16	x	x									
3/17	x	x									
3/18	x	x									
3/19	x	x							394		well failed/ then started
3/20	x	x	704,308,000	1,962,000	1,830.9	33.1	987.92	59,274.92	394		well failed E-08
3/21	x	x			1,835.7	4.8			394		drained sand
3/22	x	x									
3/23	x	x									
3/24	x	x									
3/25	x	x			1,862.9	27.2	0.00	0.00			
3/26	x	x			1,866.6	3.7	0.00	0.00			
3/27	x	x			1,875.8	9.2	0.00	0.00			
3/28	x	x			1,880.1	4.3	0.00	0.00	394		drained sand
3/29	x	x							394		install 1 1/4 dbl c lock/ fire house
3/30	x	x	704,857,000	549,000	1,892.4	12.3	743.90	44,634.15	394		air valve stuck
3/31	x	x									

WELL #3

DAILY CHECKLIST

JANUARY, 2001

DATE	OIL TEMP	OIL LOW END	OIL SHAFT	FLOW METER	GAL	HR METER	HRS	GPM	GPH	AMPS	CHLORINE	COMMENTS
1/1												Holiday
1/2		X	X	450,532,000	4,828,000	19,340.9	184.4	436.4	26,182.21	560		Drained sand from separator.
1/3		X	X	451,020,000	488,000	19,361.0	20.1	404.6	24,278.61	560		Drained sand.
1/4		X	X	451,497,000	477,000	19,381.1	20.1	395.5	23,731.34	560		Added oil to same
1/5		X	X	451,949,000	452,000	19,396.5	15.4	489.2	29,350.65	560		New barrel o
1/6												
1/7												
1/8		X	X	453,281,000	1,332,000	19,441.2	44.7	496.6	29,798.66	560		Drained & refilled fire tank
1/9		X	X	453,707,000	426,000	19,455.9	14.7	483.0	28,979.59	560		Changed oil - upper & lower
1/10		X	X	454,224,000	517,000	19,472.3	16.4	525.4	31,524.39	560		Drained sand
1/11		X	X	454,662,000	438,000	19,486.5	14.2	514.1	30,845.07	560		Filled oil drum.
1/12		X	X	455,027,000	365,000	19,499.9	13.4	454.0	27,238.81	560	Full	Drained sand from separator 15 min.
1/13												
1/14												
1/15												Holiday
1/16												
1/17												Training
1/18		X	X	457,884,000	2,857,000	19,581.5	81.6	583.5	35,012.25	560		Ordered more oil.
1/19		X	X			19,593.0	11.5	0.0	0.00	560		By pass. Checked separator for sand.
1/20												
1/21												
1/22												
1/23		X	X	460,110,000	2,226,000	19,640.4	58.9	629.9	37,792.87	560	1/3 full	Checked heaters.
1/24		X	X	460,554,000	444,000	19,652.0	11.6	637.9	38,275.86	560		Drained sand from separator.
1/25		X	X	461,013,000	459,000	19,664.2	12.2	627.0	37,622.95	560	1/4 full	
1/26		X	X	461,530,000	517,000	19,676.8	12.6	683.9	41,031.75	560		
1/27												
1/28											OK	Checked pump. Phil said there was oil in water.
1/29		X	X	463,855,000	2,325,000	19,719.9	43.1	899.1	53,944.32	560	OK	Took readings
1/30		X	X	464,285,000	430,000	19,731.8	11.9	602.2	36,134.45	560	New barrel	Checked heaters.
1/31		X	X	464,726,000	441,000	19,742.8	11.0	668.2	40,090.91	560	Full	

WELL #3

DAILY CHECKLIST

FEBRUARY, 2001

DATE	OIL TOP END	OIL LOW END	OIL SHAFT	FLOW METER	GAL	HR METER	HRS	GPM	GPH	AMPS	CHLORINE	COMMENTS
2/1	x	x	x	465,227,000	501,000	19,756	13.2	632.58	37,954.55	560	OK	Check water level. Drained sanc separator.
2/2	x	x	x	465,769,000	542,000	19,763.2	7.2	1,254.63	75,277.78	560	OK	Check for pressure fluctuation/level
2/3												
2/4												
2/5	x	x	x	466,999,000	1,230,000	19,779.3	16.1	1,273.29	76,397.52	560	OK	
2/6	x	x	x	467,428,000	429,000	19,787.2	7.9	905.06	54,303.80	560	3/4 full	Drained sand from separator
2/7	x	x	x	467,936,000	508,000	19,793.0	5.8	1,459.77	87,586.21	560	OK	Replaced diaphragm & o-ring in Cla-valve.
2/8	x	x	x	468,380,000	444,000	19,800.2	7.2	1,027.78	61,666.67	560	OK	Check Cla-valve.
2/9	x	x	x	468,831,000	451,000	19,806.2	6.0	1,252.78	75,166.67	560	DS .5	Drained sanc from separator.
2/10												
2/11												
2/12	x	x	x	470,101,000	1,270,000	19,824.1	17.9	1,182.50	70,949.72	560	OK	Drained sand from separator. 1/2 hour
2/13	x	x	x	470,563,000	462,000	19,829.4	5.3	1,452.83	87,169.81	560	DS .4	
2/14	x	x	x	471,053,000	490,000	19,834.6	5.2	1,570.51	94,230.77	560	OK	Worked in fire house.
2/15	x	x	x	471,479,000	426,000	19,842.0	7.4	959.46	57,567.57	560	OK	Drained sand from separator.
2/16											DS .4	Recv. 2 drums oil
2/17												
2/18												
2/19	x	x	x	473,359,000	1,880,000	19,865.1	23.1	1,357.60	81,455.81	560	OK	
2/20	x	x	x	473,561,000	202,000	19,867.5	2.4	1,391.18	83,471.07	560	OK	Drained sand from separator.
2/21	x	x	x	474,017,000	456,000	19,874.5	7.0	1,085.71	65,142.86	560	OK	
2/22	x	x	x	474,465,000	448,000	19,882.7	8.2	910.57	54,634.15	560	OK	
2/23	x	x	x	474,923,000	458,000	19,888.7	6.0	1,272.22	76,333.33	560	OK	Drained sand from separator. 1/2 hour
2/24												
2/25												
2/26	x	x	x	476,127,000	1,204,000	19,902.0	13.3	1,508.77	90,526.32	560	DS .4	Drained sand from separator. 1/2 hour
2/27	x	x	x	476,558,000	431,000	19,906.9	4.9	1,475.02	88,501.03	560	OK	
2/28	x	x	x	477,048,000	490,000	19,915.1	8.2	992.30	59,538.27	560	DS .5	

WELL #3

DAILY CHECKLIST

MARCH, 2001

DATE	OIL TOP END	OIL LOW END	OIL SHAFT	FLOW METER	GAL	HR METER	HRS	GPM	GPH	AMPS	CHLORINE	COMMENTS
3/1	x	x	x	477,440,000	392,000	19,918.8	3.7	1,765.77	105,945.95	560	OK	Drained sand 1/2 hr.
3/2	x	x	x	477,851,000	411,000	19,923.7	4.9	1,397.96	83,877.55	560	OK	
3/3												
3/4												
3/5	x	x	x	479,093,000	1,242,000	19,937.2	13.5	1,533.33	92,000.00	560	.4 residual	Drained sand 1/2 hr.
3/6	x	x	x	479,474,000	381,000	19,941.9	4.7	1,351.06	81,063.83	560	OK	
3/7	x	x	x	479,897,000	423,000	19,946.2	4.3	1,639.53	98,372.09	560	0.4	
3/8	x	x	x	480,321,000	424,000	19,950.6	4.4	1,606.06	96,363.64	560	OK	Leak on injection port/chlorine
3/9												Emergency on yard. Couldn't check
3/10												
3/11												
3/12	x	x	x	481,995,000	1,674,000	19,969.3	18.7	1,491.98	89,518.72	560	OK	Drained sand 1/2 hr.
3/13	x	x	x	482,439,000	444,000	19,974.1	4.8	1,541.67	92,500.00	560	0.4	
3/14	x	x	x	482,873,000	434,000	19,979.3	5.2	1,391.03	83,461.54	560	OK	
3/15	x	x	x	483,350,000	477,000	19,984.5	5.2	1,528.85	91,730.77	560	OK	
3/16	x	x	x	483,792,000	442,000	19,989.3	4.8	1,534.72	92,083.33	561	0.5	Adds 2 qts To upper motor
3/17												
3/18												
3/19	x	x	x	484,999,000	1,649,000	20,002.3	17.8	1,544.01	92,640.45	560	OK	
3/20	x	x	x	485,414,000	415,000	20,006.4	4.1	1,686.99	101,219.51	560	OK	Drained sand 1/2 hr.
3/21	x	x	x	485,842,000	428,000	20,010.9	4.5	1,585.19	95,111.11	560	OK	
3/22	x	x	x	486,281,000	439,000	20,016.6	5.7	1,283.63	77,017.54	560	0.2	
3/23	x	x	x	486,715,000	434,000	20,020.8	4.2	1,722.22	103,333.33	560	0.1	Repair
3/24												
3/25												
3/26	x	x	x	487,917,000	1,202,000	20,034.9	14.1	1,420.80	85,248.23	560	0.3	
3/27	x	x	x	488,351,000	434,000	20,040.4	5.5	1,315.15	78,909.09	560	OK	
3/28	x	x	x	488,800,000	449,000	20,045.5	5.1	1,467.32	88,039.22	560	.4 35/35	

WELL #3

Daily Checklist

April, 2001

DATE	OIL TOP END	OIL LOW END	OIL SHAFT	FLOW METER	GAL	HR METER	HRS	GPM	GPH	AMPS	CHLORINE	COMMENTS
4/1												
4/2	x	x	x	490,789,000	1,541,000	20,067.5	17.2	1,493.22	89,593.02	560	0.4	Drained sand
4/3	x	x	x	491,198,000	409,000	20,072.4	4.9	1,391.16	83,469.39	560		
4/4	x	x	x	491,608,000	410,000	20,076.7	4.3	1,589.15	95,348.84	560		
4/5	x	x	x	492,076,000	468,000	20,081.9	5.2	1,500.00	90,000.00	560		
4/6	x	x	x	492,499,000	423,000	20,086.4	4.5	1,566.67	94,000.00	560	0.4	Drained sand
4/7												
4/8												
4/9	x	x	x	493,659,000	1,160,000	20,100.1	13.7	1,411.19	84,671.53	560		Drained sand.
4/10	x	x	x	494,127,000	468,000	20,105.0	4.9	1,591.84	95,510.20	560	0.1	Reprime CC pump
4/11	x	x	x								.4 35/35	Med. Appl.
4/12	x	x	x	495,100,000	973,000	20,116.3	11.3	1,435.10	86,106.19	560		Opened 55 G. Oil from motor
4/13	x	x	x	495,455,000	355,000	20,120.1	3.8	1,557.02	93,421.05	560	0.3	Water test
4/14												
4/15												
4/16	x	x	x	496,607,000	1,152,000	20,133.6	13.5	1,422.22	85,333.33	560	3.5	Drained sand
4/17	x	x	x	497,067,000	460,000	20,139.1	5.5	1,393.94	83,636.36	560	0.1	Changed meter paper
4/18	x	x	x	497,507,000	440,000	20,143.7	4.6	1,594.20	95,652.17	560		Check H2O level running. Static level 515
4/19	x	x	x	497,988,000	481,000	20,149.0	5.3	1,512.58	90,754.72	560	1 40/40	
4/20	x	x	x	498,501,000	513,000	20,155.6	6.6	1,295.45	77,727.27	560		
4/21												
4/22												
4/23	x	x	x	499,772,000	1,271,000	20,169.9	14.3	1,481.35	88,881.12	560	0.1	
4/24	x	x	x	500,225,000	453,000	20,177.3	7.4	1,020.27	61,216.22	560	0.2	Drained sand.
4/25	x	x	x	500,233,000	8,000	20,183.4	6.1	21.86	1,311.48	560	0.1	Check static H2O level (502)
4/26	x	x	x	501,321,000	1,088,000	20,190.9	7.5	2,417.78	145,066.67	560		Air valve leaking
4/27	x	x	x	501,790,000	469,000	20,196.8	5.9	1,324.86	79,491.53	560	0.1	Change barrel
4/28												
4/29												
4/30	x	x	x	503,199,000	1,878,000	20,212.8	29.4	1,064.63	63,877.55	560	0.3	Drain sand

[illegible]

WELL #3
Daily Checklist

July, 2001

DATE	OIL TOP END	OIL LOW END	FLOW METER	GAL	HR METER	HRS	GPM	GPH	AMPS	CL	COMMENTS
7/1			544,976,000	25,449,000	21,034.0	643.3					
7/2	x	x	545,738,000	762,000	21,058.0	24.0	19.74	1,184.52	560		
7/3	x	x	546,608,000	870,000	21,082.0	24.0	604.17	36,250.00	560		
7/4	x	x	547,550,000	942,000	0.0		654.17	39,250.00	560		
7/5	x	x	548,308,000	758,000	21,130.0	48.0	526.39	31,583.33	560		
7/6	x	x	0		0.0		0.00		560		
7/7							0.00				
7/8							0.00				
7/9	x	x	0				0.00		560		
7/10	x	x	0				0.00		560		
7/11	x	x	0				0.00		560		
7/12	x	x	0				0.00		560		
7/13	x	x	555,869,000	7,561,000		0.0	0.00		560		
7/14			556,302,000	433,000		0.0	0.00				
7/15			557,012,000	710,000		0.0	0.00				
7/16	x	x	557,699,000	687,000	21,396.3	266.3	0.00		560		
7/17	x	x	0				0.00		560		
7/18	x	x	0				0.00		560		
7/19	x	x	560,096,000	2,397,000			0.00		560		
7/20	x	x	0				0.00		560		
7/21							0.00				
7/22							0.00				
7/23	x	x	0				0.00		560		
7/24	x	x	564,934,000	4,838,000			0.00		560		
7/25	x	x	566,186,000	1,252,000			0.00		560		
7/26	x	x	567,594,000	1,408,000	1.8	1.8	0.00		560		
7/27	x	x	568,666,000	1,072,000	11.9	10.1	9,925.93	595,555.56	560		
7/28											
7/29											
7/30	x	x	571,445,000	2,779,000	48.5	36.6	4,585.81	275,148.51	560		

WELL #3
Daily Checklist

August, 2001

DATE	OIL TOP END	OIL LOW END	FLOW METER	GAL	HR METER	HRS	GPM	GPH	AMPS	CL	COMMENTS
8/1	x	x	573,369,000	1,044,000	71.9	12.2	1,426.23	85,573.77	394		
8/2	x	x	574,483,000	1,114,000	83.5	23.8	780.11	46,806.72	394		
8/3	x	x	575,645,000	1,162,000	96.2	12.7	1,524.93	91,496.06	394	0.2	
8/4											
8/5											
8/6	x	x	578,619,000	2,974,000	130.7	34.5	1,436.71	86,202.90	394	0.3	
8/7	x	x	579,689,000	1,070,000	144.2	13.5	1,320.99	79,259.26	394		
8/8	x	x	581,230,000	1,541,000	161.9	17.7	1,451.04	87,062.15	394		
8/9	x	x	0	0	0.0	0.0	0.00	0.00		0.4	
8/10	x	x	582,781,000	1,551,000	202.3	40.4	639.85	38,391.09	394	0.3	1/3 Barrel
8/11											
8/12											
8/13	x	x	586,390,000	3,609,000	235.8	33.5	1,795.52	107,731.34	394		
8/14	x	x	586,765,000	375,000	242.7	6.9	905.80	54,347.83	394	0.3	
8/15	x	x	587,822,000	1,057,000	254.4	11.7	1,505.70	90,341.88	394	0.3	
8/16	x	x	588,905,000	1,083,000	267.6	13.2	1,367.42	82,045.45	394	0.3	
8/17	x	x	590,013,000	1,108,000	280.4	12.8	1,442.71	86,562.50	398	0.3	Drained sand. Full barrel
8/18											
8/19											
8/20	x	x	592,749,000	2,736,000	319.5	39.1	1,166.24	69,974.42	390	0.4	
8/21	x	x	593,834,000	1,085,000	331.2	11.7	1,545.58	92,735.04	394		
8/22	x	x	594,856,000	1,022,000	357.4	26.2	650.13	39,007.63	384	0.3	Turned well off at 2130
8/23	x	x	0	0	0.0	0.0	0.00	0.00			
8/24	x	x	596,137,000	1,281,000	363.2	5.8	3,681.03	220,862.07	394	0.3	Hr. meter turned off.
8/25											
8/26											
8/27	x	x	598,114,000	1,977,000	393.9	30.7	1,073.29	64,397.39	394	0.2	New barrel. Drained sand. Chlorine empty.
8/28	x	x	598,920,000	806,000	403.9	10.0	1,343.33	80,600.00	394		
8/29	x	x	0	0	0.0	0.0	0.00	0.00	394		
8/30	x	x	600,815,000	1,895,000	425.2	21.3	1,482.79	88,967.14	394	0.6	Tightened fittings.
8/31	x	x	601,844,000	1,029,000	437.2	12.0	1,429.17	85,750.00	394		

4/10/02

WELL #3
Daily Checklist

2001

DATE	OIL TOP END	OIL LOW END	LEAKS	FLOW METER	GAL	HR METER	HRS	GPM	GPH	AMPS	CL	COMMENTS
9/1/01												
9/2/01												
9/3/01	x	x	x	604,484,000	2,640,000	467.7	30.5	1,442.62	86,557.38			Well not running
9/4/01	x	x	x	605,733,000	1,249,000					394		Blow down sand trap
9/5/01	x	x	x	606,632,000	899,000	491.6	23.9	626.92	37,615.06	394		Drained sand 1/2 hr
9/6/01	x	x	x	607,450,000	818,000	500.5	8.9	1,531.84	91,910.11	390		
9/7/01	x	x	x	608,365,000	915,000	511.3	10.8	1,412.04	84,722.22		0.4	Check well
9/8/01												
9/9/01												
9/10/01	x	x	x	610,734,000	2,369,000	540.5	29.2	1,352.17	81,130.14	394		
9/11/01	x	x	x	611,645,000	911,000	550.8	10.3	1,474.11	88,446.60			
9/12/01	x	x	x	612,857,000	1,212,000	563.0	22.5	897.78	53,866.67		0.3	
9/13/01	x	x	x	613,746,000	889,000	574.7	23.9	619.94	37,196.65	394		
9/14/01	x	x	x	614,474,000	728,000	581.4	18.4	659.42	39,565.22		0.2	Drain sand 1/2 hr
9/15/01												
9/16/01												
9/17/01	x	x	x	616,747,000	2,273,000	610.1	28.7	1,319.98	79,198.61	394	0.1	Changed cl. Pump/Drained sand.
9/18/01	x	x	x	617,802,000	1,055,000	622.6	12.5	1,406.67	84,400.00	394		Water samples
9/19/01	x	x	x	618,780,000	978,000	634.1	24.0	679.17	40,750.00	394		Chlorine empty
9/20/01	x	x	x	619,837,000	1,057,000	657.4	34.8	506.23	30,373.56	394	0.15	Chlorind pumping
9/21/01	x	x	x	620,739,000	902,000	670.5	36.4	413.00	24,780.22	390		
9/22/01												
9/23/01												
9/24/01	x	x	x	623,878,000	3,139,000	705.1	34.6	1,512.04	90,722.54			Drained sand
9/25/01	x	x	x	625,056,000	1,178,000	718.3	13.2	1,487.37	89,242.42	394		
9/26/01	x	x	x	626,050,000	994,000	728.5	23.4	707.98	42,478.63	394		
9/27/01	x	x	x	627,068,000	1,018,000	740.2	21.9	774.73	46,484.02			
9/28/01	x	x	x	628,304,000	1,236,000	753.7	25.2	817.46	49,047.62	394		
9/29/01												
9/30/01												

WELL #3
Daily Checklist

4/9/02

2001

DATE	OIL TOP END	OIL LOW END	FLOW METER	GAL	HR METER	HRS	GPM	GPH	AMPS	CL	COMMENTS
10/1	x	x	630,857,000	2,553,000	782.0	28.3	1,503.53	90,212.01	394		Water leak at valve for filter
10/2	x	x	631,983,000	1,126,000	795.3	13.3	1,411.03	84,661.65	394		
10/3	x	x	633,061,000	1,078,000	806.7	11.4	1,576.02	94,561.40	394		
10/4	x	x									
10/5	x	x									
10/6	x	x	635,248,000	2,187,000	831.1	24.4			390		
10/7											
10/8	x	x									
10/9	x	x	637,182,000	1,934,000	854.5	23.4	1,377.49	82,649.57	390		Add to shaft oil 1/4 barrel
10/10	x	x									
10/11	x	x	638,483,000	1,301,000	870.3	15.8	1,372.36	82,341.77	394		Drain sand
10/12	x	x	639,174,000	691,000	878.4	8.1	1,421.81	85,308.64	390		
10/13											
10/14											
10/15	x	x	640,651,000	1,477,000	896.8	18.4	1,337.86	80,271.74			Well not running
10/16	x	x									
10/17	x	x	641,781,000	1,130,000	909.4	12.6	1,494.71	89,682.54			Well not running
10/18	x	x	642,373,000	592,000	917.2	7.8	1,264.96	75,897.44	394		Drain sand, check will fire house
10/19	x	x	642,920,000	547,000	923.6	6.4	1,424.48	85,468.75			Water samples
10/20											
10/21											
10/22	x	x									
10/23	x	x	645,164,000	2,244,000	952.5	28.9	1,294.12	77,647.06	394		
10/24	x	x	645,574,000	410,000	956.5	4.0	1,708.33	102,500.00	394		
10/25	x	x									
10/26	x	x	646,446,000	872,000	968.6	12.1	1,201.10	72,066.12			Pump not on
10/27											
10/28											
10/29	x	x	647,825,000	1,379,000	986.3	17.7	1,298.49	77,909.60			Drain sand
10/30	x	x									
10/31	x	x	648,866,000	1,041,000	999.4	13.1	1,324.43	79,465.65	3940		

Rev 4/9/02

Daily well 3 check 2001

WELL #3
Daily Checklist

2001

DATE	OIL TOP END	OIL LOW END	FEET	FLOW METER	GAL	HR METER	HRS	GPM	GPH	PMPS	CL	COMMENTS
11/1	x	x	x		-648,866,000		-999.4	10,820.93	649,255.55	560		
11/2	x	x	x							560		
11/3	x	x	x							560		
11/4	x	x	x							560		
11/5												
11/6												
11/7	x	x	x							560		
11/8	x	x	x							560		
11/9	x	x	x							560		
11/10	x	x	x							560		
11/11	x	x	x							560		
11/12												
11/13												
11/14	x	x	x							560		
11/15	x	x	x							560		
11/16	x	x	x							560		
11/17	x	x	x							560		
11/18	x	x	x							560		
11/19												
11/20												
11/21	x	x	x							560		
11/22	x	x	x							560		
11/23	x	x	x							560		
11/24	x	x	x							560		
11/25	x	x	x							560		
11/26												
11/27												
11/28	x	x	x							560		
11/29	x	x	x							560		
11/30	x	x	x							560		

WELL #3
Daily Checklist

2001

DATE	OIL TOP END	OIL LOW END	FLOW METER	GAL	HR METER	HRS	GPM	GPH	AMPS	CL	COMMENTS
12/1	x	x									
12/2	x	x									
12/3	x	x	662,171,000	13,305,000	1,185.1	185.7	1,194.13	71,647.82	390		Drained sand/air valve stuck
12/4	x	x									
12/5	x	x	662,936,000	765,000	1,196.4	11.3	1,128.32	67,699.12	390		check heat #3 & #4
12/6	x	x	663,289,000	353,000	1,202.1	5.7	1,032.16	61,929.82	394		air valve stuck
12/7	x	x	663,314,000	25,000	1,207.9	5.8	71.84	4,310.34	394		DEQ tour
12/8	x	x									
12/9	x	x									
12/10	x	x									
12/11	x	x	665,121,000	1,832,000	1,229.3	27.2	1,122.55	67,352.94	394		Drained sand
12/12	x	x	665,536,000	415,000	1,235.7	6.4	1,080.73	64,843.75	386		Check well #4
12/13	x	x	665,917,000	381,000	1,242.2	6.5	976.92	58,615.38			
12/14	x	x	666,384,000	467,000	1,248.4	6.2	1,255.38	75,322.58			
12/15	x	x									
12/16	x	x									
12/17	x	x	667,342,000	958,000	1,263.5	15.1	1,057.40	63,443.71	394		Drain sand
12/18	x	x									
12/19	x	x	668,134,000	792,000	1,275.6	12.1	1,090.91	65,454.55	390		
12/20	x	x	668,661,000	527,000	1,283.6	8.0	1,097.92	65,875.00			
12/21	x	x	668,888,000	227,000	1,287.0	3.4	1,112.75	66,764.71	390		Water samples
12/22	x	x									
12/23	x	x									
12/24	x	x									
12/25	x	x									
12/26	x	x	670,638,000	1,750,000	1,314.7	27.7	1,052.95	63,176.90			Drained sand
12/27	x	x	671,036,000	398,000	1,319.6	4.9	1,353.74	81,224.49			
12/28	x	x	671,465,000	429,000	1,326.3	6.7	1,067.16	64,029.85	3910		
12/29	x	x									
12/30	x	x									
12/31	x	x	672,555,000	1,090,000	1,342.9	16.6	1,094.38	65,662.65	394		Drained sand

[illegible]

COMMUNITY WELLS

2000

DATE	OIL TOP END	OIL LOW END	OIL SHAFT	FLOW METER	GAL	HR METER	HRS	GPH	AMPS	COMMENTS
10/1/00										
10/2/00	x	x	x	405,049,000	2,227,000	18,659.3	20.2	21707.62	560	drained sand separator
10/3/00	x	x	x	406,076,000	1,027,000	18,668.8	9.5	21751.59	560	barrell 1/4 full
10/4/00	x	x	x							
10/5/00	x	x	x	407,765,000	1,689,000	18,684.4	15.6	21823.82	560	barrell 1/4 full, chlorine barrell 1/2 full
10/6/00	x	x	x	408,357,000	592,000	18,689.4	5.0	21849.66	560	chlorine barrell 1/4 full
10/7/00										
10/8/00										
10/9/00	x	x	x	410,671,000	2,314,000	18,711.7	22.3	21947.28	560	Ordered oil
10/10/00	x	x	x	411,160,000	489,000	18,715.7	4.0	21968.72	560	
10/11/00	x	x	x	411,674,000	514,000	18,721.5	5.8	21989.37	560	
10/12/00	x	x	x	412,326,000	652,000	18,727.8	6.3	22016.79	560	Greased motor in fire house
10/13/00	x	x	x	412,969,000	643,000	18,733.7	5.9	22044.18	560	Top off fuel tank Oil
10/14/00										
10/15/00										
10/16/00	x	x	x	414,351,000	1,382,000	18,746.8	13.1	22102.49	560	
10/17/00	x	x	x	414,948,000	597,000	18,753.3	6.5	22126.67	560	
10/18/00	x	x	x	415,544,000	596,000	18,759.9	6.6	22150.65	560	Oil good
10/19/00	x	x	x	415,986,000	442,000	18,763.8	3.9	22169.60	560	Filled oil barrel Recvd. (2) 55 gal. drums
10/20/00	x	x	x	0		0.0			560	
10/21/00										
10/22/00										
10/23/00	x	x	x	418,068,000	2,082,000	18,787.4	23.6	22252.57	560	Oil good
10/24/00	x	x	x	418,624,000	556,000	18,793.4	6.0	22275.05	560	
10/25/00	x	x	x	419,012,000	388,000	18,798.3	4.9	22289.89	560	Oil good, turned on Well #4
10/26/00	x	x	x	419,481,000	469,000	18,802.7	4.4	22309.62	560	drained sand separator
10/27/00	x	x	x	420,042,000	561,000	18,809.1	6.4	22331.85	560	
10/28/00										
10/29/00										
10/30/00	x	x	x	421,435,000	1,393,000	18,824.1	21.4	22388.06	560	drained sand separator
10/31/00	x	x	x	421,874,000	439,000	18,829	5.2	22405.19	560	Chlorine good, oil good

DAILY CHECKLIST

NOVEMBER, 2000

[illegible]

WELL #3

DAILY CHECKLIST

DECEMBER, 2000

DATE	OIL TOP END	OIL LOW END	OIL SHAFT	FLOW METER	GAL	HR METER	HRS	GPH	AMPS	COMMENTS
12/1/00	x	x	x	435,979,000	1,999,000	19,021.4	19.3	22920.45	560	
12/2/00	x	x	x						560	
12/3/00	x	x	x						560	
12/4/00	x	x	x	436,983,000	1,004,000	19,032.1	10.7	22960.31	560	Drained sand
12/5/00	x	x	x	437,328,000	345,000	19,036.3	19036.3	22973.37	560	Drained sand
12/6/00	x	x	x	438,321,000	993,000	19,049.7	17.6	23009.34	560	Drained sand
12/7/00	x	x	x	438,772,000	451,000	19,054.5	18.2	23027.21	560	Filled oil for dump
12/8/00	x	x	x	439,138,000	366,000	19,058.4	8.7	23041.703	560	Drained sand
12/9/00										
12/10/00										
12/11/00	x	x	x	440,615,000	1,477,000	19,072.6	14.2	23101.99	560	Drained sand
12/12/00	x	x	x	441,038,000	423,000	19,082.1	9.5	23112.66	560	Drained sand
12/13/00	x	x	x	441,420,000	382,000	19,086.7	4.6	23127.10	560	Drained sand
12/14/00	x	x	x	442,027,000	607,000	19,096.6	9.9	23146.90	560	Drained sand
12/15/00	x	x	x	442,414,000	387,000	19,102.2	5.6	23160.37	560	Drained sand. Well drillers 6" - 8" hose being used.
12/16/00										
12/17/00										
12/18/00	x	x	x	443,764,000	1,350,000	19,117.9	15.7	23211.96	560	Drained sand
12/19/00	x	x	x	444,285,000	521,000	19,124.8	6.9	23230.83	560	Drained sand. Filled oil barrel
12/20/00	x	x	x	444,738,000	453,000	19,131.1	6.3	23246.86	560	Drained sand. Need to replace oil.
12/21/00	x	x	x	445,244,000	506,000	19,145.8	14.7	23255.44	560	Drained sand
12/22/00	x	x	x	445,704,000	460,000	19,156.5	10.7	23266.46	560	Drained sand
12/23/00										
12/24/00										
12/25/00									560	Holiday
12/26/00									560	Sick
12/27/00									560	Sick
12/28/00									560	Vacation
12/29/00									560	
12/30/00										
12/31/00										

Subj: Prison Water Right Transfer
Date: Thursday, November 11, 1999 9:15:54 AM
From: Chm@givenspursley.com
To: keawater@aol.com
cc: scott.rhead@unitedwater.com, danbrown@uwid.com

Re: Prison Water Rights (UWID 30-89)

Keith,

Thanks for the heads up on the upcoming transfer application for prison water rights.

As you know, United Water's previous protest was based, in part, on our perception of uneven treatment by the Department with respect to application of the moratorium. That issue, I trust, has been put to rest now.

At this point it would appear that the only other basis for an objection would be concern over well interference and related issues. (From our conversation, it did not sound like there is any expansion issue.)

Would you please provide

Dan Brown of United Water with a rundown on exactly what it is you plan to transfer? Points of diversion, etc.

A draft of your application for transfer should do it.

If Dan sees any problem, he will contact me.

Thanks very much for your cooperation on this. We will endeavor to offer the same high degree of professionalism to you in the future.

- Chris

</XMP>

KEITH E. ANDERSON
CONSULTANT IN ENGINEERING AND GEOLOGY
432 SUMMIT RIDGE
BOISE, IDAHO 83702
TELEPHONE (208) 336-2718 OR 344-3888

~~November 15, 1999~~

Dan Brown
United Water Idaho
8248 West Victory Road
Boise, ID 83709

Re: Prison Water Right Transfer

Dear Dan:

A few days ago I received an e-mail from Chris Meyer concerning a proposed Application for Transfer of water rights held by the Idaho Department of Correction (IDOC) for the prison complex south of Boise. I believe you received a copy of that message, but a copy is enclosed for your information. I had briefed Chris by telephone on this matter, but this letter will give you some additional detail as he requested.

As you are aware, IDOC has licensed water rights for five wells (Nos. 1 through 5) and a permit for two additional wells (Nos. 7 and 8), all at the prison complex. All of these documents show the purpose of use to be either "Domestic" or "Irrigation" (or a combination of the two). The place of use is specified on the documents for each of these wells. The period of use is also specified for each well: January 1 - December 31 for domestic use and March 15 - November 15 for irrigation use (except for one irrigation well where the period is specified as April 1 - November 1; this is being corrected in the proposed transfer).

In reviewing all of these licensed or permitted rights, it seemed advisable to apply for the transfer and amendment to better describe the purpose and place of use for present and future operations at the complex. The IDOC qualifies as a "municipal provider" of water, and the present use of water described as "domestic" should more properly be designated as "municipal". The prison complex actually can be considered as being the same as a small municipality. The population at present is about 3,350 (which is more than that of each of three Idaho counties, and more than that of about 150 of Idaho's incorporated municipalities!). And the population will soon rise to about 5,000, with occupation of the first stage of the new private prison--and then to about 7,200 when full development is reached. Aside from this population consideration, this "city" has a complete water-supply and distribution system, with three storage reservoirs (tanks) totaling more than two million gallons; wastewater treatment plants at three locations; medical facilities; a laundry; a network of roads; a police department; fire protection facilities; a sheet metal fabrication plant; a furniture factory; offices; food service facilities; slaughterhouse and meat processing plant; dairy; landscaped open spaces; etc. etc.

The IDOC property boundary at this complex encloses a single area of nearly five square miles (about 3,125 acres--which would correspond to its "city limits" or "service area")..

November 15, 1999

The need for this transfer became quite apparent because of the imminent opening of the first stage of the new prison. Wastewater will be used to irrigate a crop of alfalfa under a Land Application permit from the Idaho Division of Environmental Quality. The first occupancy is scheduled for about July 1, 2000—and the land application area must have a growing crop at that time. But irrigation of the land application area is not covered by any of the existing licenses. This proposed transfer, however, would allow the crop to be planted in March 2000 and be ready for use when the prison is occupied later that year.

The transfer is also requesting the designation of an enlarged place of use as a "Permissible Place of Use" (PPOU) that will coincide with the property boundary.

In addition to the transfer, IDOC is filing an Application for Amendment to the existing two new wells (7 and 8) at the site of the new private prison which are covered by permit rather than license. Both of these wells have been drilled and tested, but will not be placed into use until the prison is occupied. The amendment is only to change "domestic" to "municipal" use (and to delete the five acres of landscaping that will be under the municipal designation rather than irrigation). This amendment also specifies the new PPOU.

So, in summary, the requested Transfer and Amendment:

1. Will not add any new points of diversion (wells).
2. Will not change the location(s) of any existing points of diversion.
3. Will not increase the presently authorized total rates of diversion.
4. Will not increase the presently authorized annual volumes of diversion.
5. Will not increase the presently authorized total area of irrigation.
6. Will not change existing irrigation limitations of 0.02 Cfs/Acre and 4.5 AF/Ac.
7. Will not result in an expansion of existing rights.

But they:

8. Will change all of the present places of use to the new and enlarged PPOU.
9. Will change all present designations for "domestic" use to "municipal" use.

Approval of the Transfer and Amendment will result in no interference with any of the facilities of United Water Idaho (such as your Raptor, Tenmile, Pleasant Valley and Pioneer wells). I think this was well demonstrated in connection with the extensive work done by your organization in connection with permits 63-12043, 63-12138, and 63-12139. Those studies included your measurement of water levels in IDOC Well No. 6 (unused) with an automatic recorder for a period of 54 days. The maximum variation of water level in that observation well was only 10 inches, despite the fact that your Pleasant Valley well (2 miles away) was pumped continuously for more than six days at 1,500 gpm (and at the same time IDOC Well No. 3, only 1/2 mile away, was operating daily).

In conclusion, I cannot see any basis for United Water Idaho to protest either of these applications. If you have any questions, however, please do not hesitate to call me.

Sincerely,


Keith E. Anderson

Encl. (Copy: Chris Meyer--w/o encl)

RECEIVED
FEB 02 2000
WATER RESOURCES
WESTERN REGION

**LEGAL NOTICE
PROPOSED CHANGE OF WATER RIGHTS**

Notice is given that ID. DEPT. OF CORRECTIONS of 1299 N. Orchard Ste. 110, Boise ID 83706 has applied to the Department of Water Resources to change the point of diversion and place, nature and season of use pursuant to I.C. § 42-211 and 42-222 for the following ground water rights recorded as follows in Ada County

All sites in this notice are in T2N R2E. The water rights include 5 Licenses, 3 Snake River Basin Adjudication (SRBA) Beneficial Use Claims noted by "A" prefixes, and 1 Permit. The rights provide water from 7 wells to the old and new prison facilities near Pleasant Valley Road south of the Boise Airport.

#63-03271, priority 1-2-1962, 2.92 cfs diverted from 1 well in NESE S27 for irrigation of 228 acres and stockwater in portions of S21, 27 & 28. Season of use is undefined in license.
#63-03445, priority 4-16-1965, 4.74 cfs diverted from 4 wells in SESE S30 & NENE, SENE, NWSE S32 to irrigate 125 acres with 2.5 cfs from 3-15 to 11-15. Domestic use of 2.24 cfs and Fire Protection of 4.74 cfs are included for year around use. Domestic use includes land application of waste water. All uses are in portions of S31 & 32. This right and Permit #63-12296 listed below provided water to build a new prison facility, and the land application in 63-03445 plus all of 63-12296 are considered fully consumptive.

#63-03487, priority 1-20-1966, 5.4 cfs diverted from 1 well in SWSW S27 to irrigate 140 acres with 2.8 cfs from 3-15 to 11-15 in NE 1/4 S33. Domestic and Fire Protection uses of 6.4 cfs each are included as year around uses in portions of S27 & 28.

#63-07025, priority 9-22-1967, 3.38 cfs diverted from 1 well in SWSE S27 to irrigate 264 acres with 3.38 cfs from 3-15 to 11-15 in portions of S27, 28, 33 & 34. Domestic and Fire Protection uses of 0.5 cfs each are included as year around uses in portions of S27 & 28.

#63-08088, priority 2-27-1975, 4.8 cfs diverted from 1 well in SESE S30 to irrigate 312 acres from 4-1 to 11-1 in portions of S29 & 30.

The above rights are Licenses.

#A63-30296, priority 3-15-1977, 0.54 cfs diverted from 2 wells in SESE S30 & NWSE S32 to irrigate 582 acres from 3-15 to 11-15 in portions of S29-32. This is an expansion claim related to rights 63-03445 and 63-08088 and adds 33 acres within the 582 acre area originally covered by these 3 rights.

#A63-30297, priority 8-1-1977, 0.04 cfs diverted from 2 wells in SWSW & SWSE S27 for year around Domestic use in SWSE S29.

#A63-30298, priority 8-1-1977, 0.24 cfs diverted from 2 wells in SWSW & SWSE S27 for year around Stockwater use in portions of S29.

The preceding 3 rights are SRBA Beneficial Use Claims. Proposed TRANSFER NO. 5635 will change the Licenses and Claims.

Permit #63-12296, priority 12-7-1995, 5.0 cfs diverted from 2 wells in NENE & SENE S32 to irrigate 165 acres from 3-15 to 11-15. Domestic use of 4.23 cfs is included for year around use, which includes land application of waste water. All uses are in portions of S31 & 32. This right is considered fully consumptive. This right will be changed by a proposed AMENDMENT listed below.

PROPOSED CHANGE FOR ALL RIGHTS

APPLICATION for TRANSFER # 5635 will consolidate the Licenses and SRBA Claims into a Permissible Place of Use (PPOU) of 3125 acres in portions of S21 & 27-34 for both prison facilities. Rights will have some combination of changes for points of diversion and place, nature & season of use. All of the rights will use any combination of the 7 above listed wells. A total of 21.24 cfs not to exceed 7350 acre-feet annually (afa), will be used in the PPOU as follows

(i) 19.18 cfs/5460 afa, to irrigate 1214 acres from 3-15 to 11-15 to conform to the local irrigation season

(ii) Irrigation will occur under all rights except A63-30297 & A63-30298

(iii) 6.18 cfs/1890 afa, for all non-irrigation uses required by the prison facilities on a year-around basis

(iv) non-irrigation uses will be changed to Municipal and will occur under rights 63-03487, 63-07025, A63-30297, and A63-30298.

(v) land application of waste water will occur in the PPOU

APPLICATION for AMENDMENT of PERMIT #63-12296 will change the place, nature & season of use. The right will include the 2 wells in NENE & SENE S32 for 5.00 cfs for year around Municipal use within the 3125 acre PPOU. Land application of waste water will occur in the PPOU.

The applicant does not propose to drill new wells or divert more water than defined by all of the existing rights. The applicant wants water rights to reflect the municipal nature of this site.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082 together with a protest fee of \$25 for each application on or before February 7, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub. Jan. 20, 27, 2000

6059

INFORMATION CONCERNING THE CHANGE IN NATURE OF USE FROM "DOMESTIC" TO "MUNICIPAL"

The prison complex operates essentially as a municipality. At present there are about 2,500 full-time residents with supporting administrative and medical staff of an additional 800 or more persons, for a total population of about 3,350. With the opening of the first stage of the newly constructed prison, scheduled for mid-2000, the total population will increase to nearly 5,000—which will increase again to about 7,200 with the second stage of construction. (The present population exceeds that of each of three Idaho counties and is greater than about 150 of Idaho's incorporated municipalities).

The complex, aside from these population considerations, is truly much like a municipality in many other ways. It has such features as a complete water supply and distribution system with three reservoirs (tanks) providing more than two million gallons of storage; waste-water treatment plants at three locations; medical facilities; a laundry; a network of roads; a police department; fire protection facilities; a sheet metal fabrication plant; a furniture factory; offices; food-service facilities; slaughterhouse and meat processing plant; dairy; landscaped open areas; etc., etc.

There is considerable irrigation presently authorized within the property boundary—either as a part of the wastewater treatment processes, or as an essential supply of feed to at least partially meet the requirements for the animals in the dairy and meat packing operations.

It seems entirely appropriate, therefore, to change all of the existing water rights for "Domestic" use to a new designation of "Municipal" use, for the period January 1 - December 31 each year, and for use anywhere within the entire ownership as the Permissible Place of Use. All of the existing water rights for "Irrigation" use would remain unchanged except that the irrigation could take place anywhere within the ownership as the Permissible Place of Use. All use for irrigation would be conditioned upon: (1) a total rate of both diversions and annual volumes that do not exceed those which are presently allowed (19.18 cfs and 5,460 AF/A); (2) a diversion for irrigation (from all sources) of not to exceed 0.02 cfs per acre and 4.5 acre-ft per acre annually, with a period of use from March 15 to November 15, and (3) irrigation of areas anywhere within the new Permissible Place of Use that—in total—do not exceed the total area for irrigation that is presently allowed (1,214 acres).

NOTICE OF AMENDED PROPOSED CHANGE OF WATER RIGHTS

IDAHO DEPT. OF CORRECTIONS of 1299 N. Orchard Suite 110, Boise ID 83706 has applied to the Department of Water Resources to amend an application for transfer of water rights and an application for amendment of permit pursuant to I.C. §§ 42-211 and 42-222 for nine ground water rights in Ada County. The transfer and amendment were originally processed in January 2000 but were amended in March 2002 to include two additional wells. The rights include five licenses, three beneficial use adjudication claims and one permit, all serving various portions of two prison complexes. The existing water rights and proposed changes are in Sections 21 and 27 through 34, T2N, R2E near Pleasant Valley Road south of the Boise Airport. The water rights are nos. 63-3271, 63-3445, 63-3487, 63-7025, 63-8088, 63-12296, 63-30296, 63-30297 and 63-30298. The priority dates range from early 1962 to late 1995.

The rights presently cover seven wells, 27.06 cfs, 1816 acres of irrigation (some overlap), and various year around non-irrigation uses. The applicant wants the water rights to reflect the municipal nature of the site. The applicant seeks to combine the rights into a 3125 acre permissible place of use (PPU). **TRANSFER APPLICATION #67055** for licenses and claims with 1962-1977 priorities will provide 19.18 cfs to irrigate 1214 acres per year within the PPU and 6.18 cfs for year around municipal use within the general service area of the prisons. The total amount of water being transferred is 21.24 cfs/7350 afa for both uses when combined. **AMENDMENT APPLICATION #69884** for permit #63-12296 with a 1995 priority will change 5.00 cfs of irrigation/domestic uses into year around municipal use within the same general service area. Uses will include fully consumptive land application of waste water.

Nine existing wells will be used. Five of the wells were constructed to public water supply standards and will supply the municipal water. Most of the irrigation will be provided from the other four wells, although the municipal wells will be available for irrigation if needed. Details of the proposed changes are available from the office listed below.

Any protest against approval of the proposed changes must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before June 3, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director Published in the Idaho Statesman on May 16 and 23, 2002.

This is the notice as should have appeared in May 2002. For some reason unknown to me, the notice was published twice on each day: once with heading a transfer and once with heading a permit amendment. But the above information appeared in both notices following the word "Remark" in the newspaper. Although unfortunate, no harm was done by this "double-duty."
- gr 6/20/02

UPDATE TO 5/28/02 Affidavit of publication

The Idaho Statesman

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

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount
047628	660093	AMENDMENT OF PERMIT	\$195.50
Attention:		P.O. #	Run Dates
SUE TAYLOR			MAY 16, 23, 2002
IDAHO DEPT. WATER RESOURCES WEST 2735 AIRPORT WY. BOISE, ID 83705			Number of Lines 55 X 2
			Affidavit 1
			Legal # 13475

LEGAL NOTICE

The following application has been filed to amend Permit to Appropriate Water
63-12296

Point(s) of Diversion	SWSWSW S27 T02N R02E ADA County	Source GROUND WATER
Point(s) of Diversion	SESWSE S27 T02N R02E ADA County	Source GROUND WATER
Point(s) of Diversion	SESWSE S27 T02N R02E ADA County	Source GROUND WATER
Point(s) of Diversion	SENE S32 T02N R02E ADA County	Source GROUND WATER
Point(s) of Diversion	SESENE S32 T02N R02E ADA County	Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 5 CFS
Use: DOMESTIC
Total Diversion: 5 CFS
Date Filed: 12/07/1995

Remark: IDAHO DEPT. OF CORRECTIONS of 1299 N. Orchard Suite 110, Boise ID 83706 has applied to the Department of Water Resources to amend an application for transfer of water rights and an application for amendment of permit pursuant to I.C. §§ 42-211 and 42-222 for nine ground water rights in Ada County. The transfer and amendment were originally processed in January 2000 but were amended in March 2002 to include two additional wells. The rights include five licenses, three beneficial use adjudication claims and one permit, all serving various portions of two prison complexes. The existing water rights and proposed changes are in Sections 21 and 27 through 34, T2N, R2E near Pleasant Valley Road south of the Boise Airport. The water rights are nos. 63-3271, 63-3445, 63-3487, 63-7025, 63-8088, 63-12296, 63-30296, 63-30297 and 63-30298. The priority dates range from early 1962 to late 1995.

The rights presently cover seven wells, 27.06 cfs, 1816 acres of irrigation (some overlap), and various year around non-irrigation uses. The applicant wants the water rights to reflect the municipal nature of the site. The applicant seeks to combine the rights into a 3125 acre permissible place of use (PPU). TRANSFER APPLICATION #67055 for licenses and claims with 1962-1977 priorities will provide 19.18 cfs to irrigate 1214 acres per year within the PPU and 6.18 cfs for year around municipal use within the general service area of the prisons. The total amount of water being transferred is 21.24 cfs/7350 afa for both uses when combined. AMENDMENT APPLICATION #69884 for permit #63-12296 with a 1995 priority will change 5.00 cfs of irrigation/domestic uses into year around municipal use within the same general service area. Uses will include fully consumptive land application of waste water.

Nine existing wells will be used. Five of the wells were constructed to public water supply standards and will supply the municipal water. Most of the irrigation will be provided from the other four wells, although the municipal wells will be available for irrigation if needed. Details of the proposed changes are available from the "office listed below."

Any protest against approval of the proposed changes must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before June 3, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher,
Director

Pub. May 16, 23, 2002

13475

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

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

beginning issue of: MAY 16, 2002

ending issue of: MAY 23, 2002

Janice Hildreth

STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 23 day of MAY in the year of 2002 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Jan English

Notary Public for Idaho

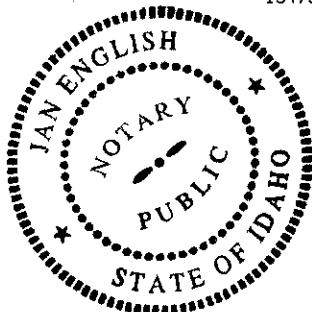
Residing at: Boise, Idaho

My Commission expires: 02/28/08

RECEIVED

MAY 28 2002

WATER RESOURCES
WESTERN REGION



MEMORANDUM

TO: FILE 63-12296 (not included in transfer)
FROM: VAULT
RE: TRANSFER # 5635/67055
DATE: 6-18-2002

=====

Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:

FILE # 63-03271



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 11, 2002

RECEIVED

JUN 14 2002

Department of Water Resources

UNITED WATER IDAHO
C/O ROGER DITTUS
8248 W VICTORY RD
BOISE ID 83709

Re: Application for Transfer No. 67055 and Application for Amendment of Permit No. 63-12296 in the Name of The State of Idaho, Department of Correction

Dear Protestant:

This office acknowledges receipt of your protest opposing the above-referenced application for transfer. The following are the criteria we consider when either approving or denying an application for transfer and amendment:

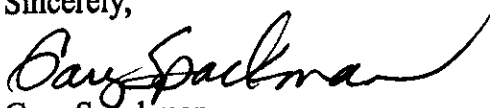
1. Will other water rights be injured by the transfer and the amendment?
2. Will the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for July 10, 2002, at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.

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

If we may be of assistance, please contact us.

Sincerely,


Gary Spackman

GS:st

Encl. Notice of Prehearing Conference
Copy of Application



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 11, 2002

RECEIVED

JUN 14 2002

Department of Water Resources

STATE OF IDAHO
DEPT OF CORRECTION
1299 N ORCHARD STE 110
BOISE ID 83706

Re: Application for Transfer No. 67055 and Application for Amendment of Permit No. 63-12296 in the Name of the State of Idaho, Department of Correction

Dear Applicant:

Enclosed please find a copy of protests filed against the above-referenced application for transfer and application for amendment. You should be aware that the following are the criteria we consider when either approving or denying an application for transfer or amendment:

1. Will other water rights be injured by the transfer or the amendment?
2. Will the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for July 10, 2002, at 10:00 a.m. at the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.

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

If we may be assistance, please contact us.

Sincerely,

Gary Spackman

GS:st

Encl. Copy of Protests
Notice of Prehearing Conference

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR TRANSFER 67055 AND)
APPLICATION FOR AMENDMENT)
OF PERMIT NO. 63-12296 IN THE)
NAME OF THE STATE OF IDAHO,)
DEPARTMENT OF CORRECTION)**

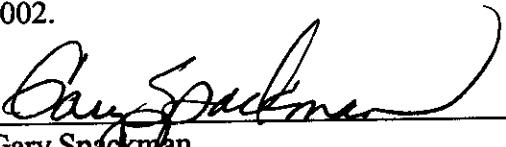
**NOTICE OF PREHEARING
CONFERENCE**

On November 19, 1999 the State of Idaho, Department of Correction filed with the Department of Water Resources (IDWR) application for transfer no. 67055 and application for amendment of permit no. 63-12296. The applications were protested by United Water Idaho.

IDWR has scheduled a conference for the protest to be held on **Wednesday, July 10, 2002 at 10:00 a.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705**. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

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

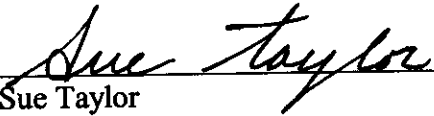
Dated this 12th day of June 2002.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of June 2002 I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:


Sue Taylor
Senior Secretary

STATE OF IDAHO
DEPT OF CORRECTION
1299 N ORCHARD STE 110
BOISE ID 83706

UNITED WATER IDAHO
C/O ROGER DITTUS
8248 W VICTORY RD
BOISE ID 83709

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR TRANSFER

Section 42-222, Idaho Code, requires the department to consider the following issues in connection with an application for transfer:

- 1) Will the proposed transfer injure other water rights?
- 2) Will the proposed transfer constitute an enlargement in use of the original right?
- 3) Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
- 4) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

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

The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

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

CONFERENCE

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

HEARING

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

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

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

EXHIBITS

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

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility 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 hearing please advise the department within ten (10) days prior to the hearing.



United Water Idaho
8248 West Victory Road
PO Box 7488
Boise, ID 83707-1488
telephone 208 362 1300
facsimile 208 362 1479

June 6, 2002

State of Idaho
Department of Corrections
1299 North Orchard
Suite 110
Boise, Idaho 83706

Re: Application for Transfer No. 67055 and Application for Amendment for Water Right No. 63-12296

Dear Sir or Madam:

This is to inform you that United Water Idaho (UWID) has filed a Notice of Protest (June 3, 2002) with the Idaho Department of Water Resources (IDWR) for your recent Applications for Transfer (Transfer No. 67055) and Amendment for Water Right (Amendment for Water Right No. 63-12296). Enclosed with this letter are copies of the Notices of Protest.

The reasons for UWID's filing of these Notice of Protests are our concern of water level decline in the local aquifer and also the Idaho Department of Corrections' (IDOC) grounds for changing water rights that are currently designated domestic use into municipal use. Water level monitoring in the surrounding area indicates that the local aquifer is fully utilized. If IDWR's approval of this Transfer and Amendment result in an increased volume of water to be withdrawn from the aquifer by IDOC, UWID is concerned that detrimental water level decline may be the result.

It is UWID's desire to discuss our concerns with the proposed Transfer and Amendment without having a formal hearing. I can be reached at 362-7358.

Sincerely,

Roger Dittus, P.G.

Cc: Ben Hepler, UWID
Scott Rhead, UWID
John Marshall, Givens & Pursley
Steve Lester, IDWR



United Water Idaho Inc.
8248 W. Victory Road
Boise, ID 83709
telephone 208.362.7300
facsimile 208.362.7069

Fax

TO: Steve Lester FROM: Roger Dittus
FAX NO: 334-2348 NO. PAGES: 2
DATE: 6-6-02 (including cover)
SUBJECT: Idaho Dept. of Corrections Transfer No. 67055

☐ Urgent ☐ For Review ☐ Please Reply ☐ Please Recycle

COMMENTS:

Steve,

Copy of letter to IDOC for your file
on this matter.

Roger

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 03 2002

WATER RESOURCES
WESTERN REGION

NOTICE OF PROTEST

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

1. Matter being protested Application for Ammendment to Permit 63-12296
2. Name of protestant United Water Idaho
3. Protestant's Representative for service (If different than protestant)
Roger Dittus
4. Service mailing address 8248 W. Victory Rd. Boise, ID 83709
5. Service telephone no. 208 362-7358
6. Basis of protest (including statement of facts and law upon which the protest is based)
See Attachment

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? See Attachment

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

Signed this 3rd day of June, 2002

United Water Idaho
Protestant

Roger D Dittus
Protestant's Representative

6/3/02 \$25.00
W029274 JF

Attachment to Notice of protest to Application for Amendment of a Permit
63-12296 (Application filed by the Idaho Department of Corrections) filed
by United Water Idaho

6. Basis of protest is concern that approval of this Transfer (Transfer No. 67055) may result in withdrawal in excess of historic volume. Concern that applicant is “seeking water rights for reasonably anticipated future” needs without having defined a planning horizon or population and other planning data.

7. Confirmation that historic diversion rates will not be exceeded and that applicant has met the requirements for securing water rights for reasonably anticipated future needs.

CONVERSATION MEMORANDUM

DATE 3/13/02

FILE 1) T. 67055

NAME OF PARTY PAT Donaldson IDUC

2) Amendment 63-12296

EMPLOYEE RZ

RE: AMENDED APPLICATIONS

Well #4B recently drilled as \$200 Replacement Well but now realize need it as additional P10. Completed to public water supply specs.

Well #6 drilled & deepened in 1970s but capped. Add it as possible irrigation well.

Transfer - add these 2 wells. Identify wells that can provide municipal (non-irrigation) water & which ones do not. Upon approval, assign muni wells as pld's for rights showing only muni use. Assign all wells as pld's for rights showing only irrigation or showing irrigation in addition to muni use (since muni well can serve as back up to irrig wells but not vice versa).

Amendment of Permit - show wells that meet public water supply specs since proposal use is municipal.

Wells meeting public ^{water} supply specs are # 3, 4, 4B, 7 & 8.

→ the newest one

FEE - \$50 each to amend & re-evaluate each filing.



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

May 22, 2002

BILL WEGENER
PO BOX 2075
DEL MAR CA 92014

Re: Application for Transfer No. 67055 in the Name of State of Idaho Department of Corrections.
Application for Amendment for Water Right No. 63-12296 in the Name of State of Idaho Department of Corrections.

Dear Sir or Madam:

Enclosed are copies of the above-referenced applications which may be of interest to you. Please review the applications 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 any of these applications, your written protest along with the \$25.00 protest fee per application must be received in this office by June 3, 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'.

Steve Lester

SL:lm

Encl: Copy of Application



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

May 22, 2002

ATTN BETTY BERMENSOLO
SW ADA COUNTY ALLIANCE
1970 S CANONERO WAY
BOISE ID 83709

Re: Application for Transfer No. 67055 in the Name of State of Idaho Department of Corrections.
Application for Amendment for Water Right No. 63-12296 in the Name of State of Idaho Department of Corrections.

Dear Sir or Madam:

Enclosed are copies of the above-referenced applications which may be of interest to your agency. Please review the applications 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 any of these applications, your written protest along with the \$25.00 protest fee per application must be received in this office by June 3, 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'.

Steve Lester

SL:lm

Encl.



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

May 22, 2002

ROGER DITTUS
UNITED WATER ID
PO BOX 7488
BOISE ID 83707-1488

Re: Application for Transfer No. 67055 in the Name of State of Idaho Department of Corrections.
Application for Amendment for Water Right No. 63-12296 in the Name of State of Idaho Department of Corrections.

Dear Sir or Madam:

Enclosed are copies of the above-referenced applications which may be of interest to your agency. Please review the applications and submit any comments you may have.

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Encl.



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

May 22, 2002

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

Re: Application for Transfer No. 67055 in the Name of State of Idaho Department of Corrections.
Application for Amendment for Water Right No. 63-12296 in the Name of State of Idaho Department of Corrections.

Dear Sir or Madam:

Enclosed are copies of the above-referenced applications which may be of interest to your agency. Please review the applications 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 any of these applications, your written protest along with the \$25.00 protest fee per application must be received in this office by June 3, 2002.

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

Sincerely,

Steve Lester

SL:lm

Encl.

May 13, 2002

Legal Notice Department

IDAHO STATESMAN

PO BOX 40

BOISE ID 83707

RE: Transfer No. 67055, Amendment of Permit No. 63-12296 and Application for Permit No. 63-31481

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 06/03/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

The following application has been filed to amend Permit to Appropriate Water
63-12296

Point(s) of Diversion	SWSWSW	S27	T02N R02E	ADA County	Source GROUND WATER
Point(s) of Diversion	SESWSE	S27	T02N R02E	ADA County	Source GROUND WATER
Point(s) of Diversion	SESWSE	S27	T02N R02E	ADA County	Source GROUND WATER
Point(s) of Diversion	SENE	S32	T02N R02E	ADA County	Source GROUND WATER
Point(s) of Diversion	SESENE	S32	T02N R02E	ADA County	Source GROUND WATER

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

Use: DOMESTIC

Total Diversion: 5 CFS

Date Filed: 12/07/1995

Remark: IDAHO DEPT. OF CORRECTIONS of 1299 N. Orchard Suite 110, Boise ID 83706 has applied to the Department of Water Resources to amend an application for transfer of water rights and an application for amendment of permit pursuant to I.C. §§ 42-211 and 42-222 for nine ground water rights in Ada County. The transfer and amendment were originally processed in January 2000 but were amended in March 2002 to include two additional wells. The rights include five licenses, three beneficial use adjudication claims and one permit, all serving various portions of two prison complexes. The existing water rights and proposed changes are in Sections 21 and 27 through 34, T2N, R2E near Pleasant Valley Road south of the Boise Airport. The water rights are nos. 63-3271, 63-3445, 63-3487, 63-7025, 63-8088, 63-12296, 63-30296, 63-30297 and 63-30298. The priority dates range from early 1962 to late 1995. The rights presently cover seven wells, 27.06 cfs, 1816 acres of irrigation (some overlap), and various year around non-irrigation uses. The applicant wants the water rights to reflect the municipal nature of the site. The applicant seeks to combine the rights into a 3125 acre permissible place of use (PPU). TRANSFER APPLICATION #67055 for licenses and claims with 1962-1977 priorities will provide 19.18 cfs to irrigate 1214 acres per year within the PPU and 6.18 cfs for year around municipal use within the general service area of the prisons. The total amount of water being transferred is 21.24 cfs/7350 afa for both uses when combined. AMENDMENT APPLICATION #69884 for permit #63-12296 with a 1995 priority will change 5.00 cfs of irrigation/domestic uses into year around municipal use within the same general service area. Uses will include fully consumptive land application of waste water. Nine existing wells will be used. Five of the wells were constructed to public water supply standards and will supply the municipal water. Most of the irrigation will be provided from the other four wells, although the municipal wells will be available for irrigation if needed. Details of the proposed changes are available from the office listed below. Any protest against approval of the proposed changes must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before June 3, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published on May 16 and 23, 2002.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-211, 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 06/03/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on May 16 and 23.

Proof of Publication

The Post Register

State of Idaho
County of Bonneville

I, S. Bob Bright or Robert Park, first being duly sworn, depose and say: That I am the Production Supervisor or Asst. Prod. Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

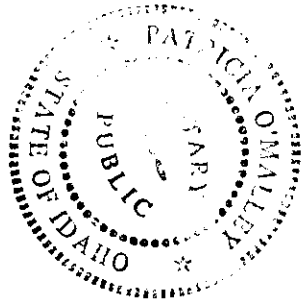
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for two consecutive (days) weeks, first publication having been made on the 20th day of January, 2000, last publication having been made on the 27th day of January, 2000, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Robert Park
.....

Subscribed and sworn to before me, this 2nd day of February, 2000

Patricia O'Malley
.....
Notary Public

My commission expires January 3, 2003



**NOTICE OF PROPOSED
CHANGE OF WATER RIGHTS**

Notice is given that ID. DEPT. OF CORRECTIONS of 1299 N. Orchard Ste. 110, Boise ID 83706 has applied to the Department of Water Resources to change the point of diversion and place, nature and season of use pursuant to I.C. § 42-211 and 42-222 for 9 ground water rights in Ada County. The rights include 5 licenses, a permit and 3 beneficial use adjudication claims, all serving various portions of 2 prison facilities near Pleasant Valley Road south of the Boise Airport. The existing water rights and proposed changes are within Sections 21 and 27-34, T2N, R2E. The rights are nos. 63-03271, 63-03445, 63-03487, 63-07025, 63-08088, 63-12296, A63-30296, A63-30297 and A63-30298, and have dates of priority from early 1962 to late 1995.

The rights presently cover 7 wells, 27.06 cfs, 1816 acres of irrigation (some overlap), and various year around non-irrigation uses. The applicant wants to combine the rights into a 3125 acre permissible place of use. **APPLICATION for TRANSFER #5635** for licenses and claims (1962-1977 priorities) will provide 19.18 cfs to Irrigate 1214 acres and 6.18 cfs for year around Municipal use. The total amount of water being transferred is 21.24 cfs/7350 afa for all uses. **APPLICATION for AMENDMENT of Permit 63-12296** with a late 1995 priority will change 5.00 cfs of irrigation/domestic use into year around Municipal use.

Uses will include land application of waste water (fully consumptive practice). No new wells or additional amounts of water are proposed. The applicant wants water rights to reflect the municipal nature of this site. Maps and details of the proposed changes are available at the office listed below.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before February 7, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published: January 20, 27, 2000

The Idaho Statesman

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

LEGAL ADVERTISING INVOICE

Account #	DTI#	Identification	Amount:
047628	183971	PROPOSED CHANGE OF WATER RIGHTS	\$213.24
Ordered by:	P.O. #	Rate	Run Dates
		NT	JANUARY 20, 27, 2000
IDAHO DEPT. WATER RESOURCES WEST 2735 AIRPORT WAY BOISE, IDAHO 83705-5082			Number of Lines
			73 X 2
			Affidavit
			1
			Legal #
			6059

RECEIVED

FEB 02 2000

WATER RESOURCES
WESTERN REGION

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended for: TWO

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

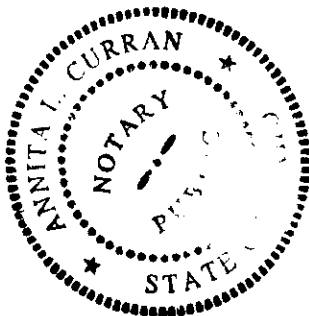
beginning with the issue of: JANUARY 20, 2000

and ending with the issue of: JANUARY 27, 2000

Janice Hildreth

STATE OF IDAHO)
)ss
COUNTY OF ADA)

On this 27 day of JANUARY in the year of 2000
before me, a Notary Public, personally appeared before me Janice Hildreth
known or identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that the state-
ments therein are true, and acknowledged to me that she executed the same.



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: 10/13/2001

Annita L. Curran

RECEIVED
FEB 02 2000
WATER RESOURCES
WESTERN REGION

**LEGAL NOTICE
PROPOSED CHANGE OF WATER RIGHTS**

Notice is given that **ID. DEPT. OF CORRECTIONS** of 1299 N. Orchard Ste. 110, Boise ID 83706 has applied to the Department of Water Resources to change the point of diversion and place, nature and season of use pursuant to I.C., § 42-211 and 42-222 for the following ground water rights recorded as follows in Ada County

All sites in this notice are in T2N R2E. The water rights include 5 Licenses, 3 Snake River Basin Adjudication (SRBA) Beneficial Use Claims noted by "A" prefixes, and 1 Permit. The rights provide water from 7 wells to the old and new prison facilities near Pleasant Valley Road south of the Boise Airport.

#63-03271, priority 1-2-1962, 2.92 cfs diverted from 1 well in NESE S27 for irrigation of 228 acres and stockwater in portions of S21, 27 & 28. Season of use is undefined in license.

#63-03445, priority 4-16-1965, 4.74 cfs diverted from 4 wells in SESE S30 & NENE, SENE, NWSE S32 to irrigate 125 acres with 2.5 cfs from 3-15 to 11-15. Domestic use of 2.24 cfs and Fire Protection of 4.74 cfs are included for year around use. Domestic use includes land application of waste water. All uses are in portions of S31 & 32. This right and Permit #63-12296 listed below provided water to build a new prison facility, and the land application in 63-03445 plus all of 63-12296 are considered fully consumptive.

#63-03487, priority 1-20-1966, 5.4 cfs diverted from 1 well in SWSW S27 to irrigate 140 acres with 2.8 cfs from 3-15 to 11-15 in NE 1/4 S33. Domestic and Fire Protection uses of 6.4 cfs each are included as year around uses in portions of S27 & 28.

#63-07025, priority 9-22-1967, 3.38 cfs diverted from 1 well in SWSE S27 to irrigate 264 acres with 3.38 cfs from 3-15 to 11-15 in portions of S27, 28, 33 & 34. Domestic and Fire Protection uses of 0.5 cfs each are included as year around uses in portions of S27 & 28.

#63-08088, priority 2-27-1975, 4.8 cfs diverted from 1 well in SESE S30 to irrigate 312 acres from 4-1 to 11-1 in portions of S29 & 30.

The above rights are Licenses.

#A63-30296, priority 3-15-1977, 0.54 cfs diverted from 2 wells in SESE S30 & NWSE S32 to irrigate 582 acres from 3-15 to 11-15 in portions of S29-32. This is an expansion claim related to rights 63-03445 and 63-08088 and adds 33 acres within the 582 acre area originally covered by these 3 rights.

#A63-30297, priority 8-1-1977, 0.04 cfs diverted from 2 wells in SWSW & SWSE S27 for year around Domestic use in SWSE S29.

#A63-30298, priority 8-1-1977, 0.24 cfs diverted from 2 wells in SWSW & SWSE S27 for year around Stockwater use in portions of S29.

The preceding 3 rights are SRBA Beneficial Use Claims. Proposed TRANSFER NO. 5635 will change the Licenses and Claims.

Permit #63-12296, priority 12-7-1995, 5.0 cfs diverted from 2 wells in NENE & SENE S32 to irrigate 165 acres from 3-15 to 11-15. Domestic use of 4.23 cfs is included for year around use, which includes land application of waste water. All uses are in portions of S31 & 32. This right is considered fully consumptive. This right will be changed by a proposed AMENDMENT listed below.

PROPOSED CHANGE FOR ALL RIGHTS

APPLICATION for TRANSFER # 5635 will consolidate the Licenses and SRBA Claims into a Permissible Place of Use (PPOU) of 3125 acres in portions of S21 & 27-34 for both prison facilities. Rights will have some combination of changes for points of diversion and place, nature & season of use. All of the rights will use any combination of the 7 above listed wells. A total of 21.24 cfs not to exceed 7350 acre-feet annually (afa), will be used in the PPOU as follows

(i) 19.18 cfs/5460 afa, to irrigate 1214 acres from 3-15 to 11-15 to conform to the local Irrigation season

(ii) Irrigation will occur under all rights except A63-30297 & A63-30298

(iii) 6.18 cfs/1890 afa, for all non-irrigation uses required by the prison facilities on a year around basis

(iv) non-irrigation uses will be changed to Municipal and will occur under rights 63-03487, 63-07025, A63-30297, and A63-30298.

(v) land application of waste water will occur in the PPOU

APPLICATION for AMENDMENT of PERMIT #63-12296 will change the place, nature & season of use. The right will include the 2 wells in NENE & SENE S32 for 5.00 cfs for year around Municipal use within the 3125 acre PPOU. Land application of waste water will occur in the PPOU.

The applicant does not propose to drill new wells or divert more water than defined by all of the existing rights. The applicant wants water rights to reflect the municipal nature of this site.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082 together with a protest fee of \$25 for each application on or before February 7, 2000 The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub. Jan. 20/27, 2000

6059

RECEIVED

JAN 31 2000

WATER RESOURCES
WESTERN REGION

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

LEGAL ADVERTISING
INVOICEDate 01/27/2000INVOICE NO. 219718Account No. 964760Description 219718NOTICE OF PROPOSETimes 2Lines 64

Tab. Lines _____

\$ 96.00

SOLD TO: DEPT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE ID 83705

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

219718

NOTICE OF
PROPOSED CHANGE OF
WATER RIGHTS

Notice is given that ID. DEPT. OF CORRECTIONS of 1299 N. Orchard Ste. 110, Boise ID 83706 has applied to the Department of Water Resources to change the point of diversion and place, nature and season of use pursuant to I.C. § 42-211 and 42-222 for 9 ground water rights in Ada County. The rights include 5 licenses, a permit and 3 beneficial use adjudication claims, all serving various portions of 2 prison facilities near Pleasant Valley Road south of the Boise Airport. The existing water rights and proposed changes are within Sections 21 and 27-34, T2N, R2E. The rights are nos. 63-03271, 63-03445, 63-03487, 63-07025, 63-08088, 63-12296, A63-30296, A63-30297 and A63-30298, and have dates of priority from early 1962 to late 1995.

The rights presently cover 7 wells, 27.06 cfs, 1816 acres of irrigation (some overlap), and various year around non-irrigation uses. The applicant wants to combine the rights into a 3125 acre permissible place of use. APPLICATION for TRANSFER #5635 for licenses and claims (1962-1977 priorities) will provide 19.18 cfs to irrigate 1214 acres and 6.18 cfs for year around Municipal use. The total amount of water being transferred is 21.24 cfs/7350 afa for all uses. APPLICATION for AMENDMENT of Permit 63-12296 with a late 1995 priority will change 5.00 cfs of irrigation/domestic use into year around Municipal use.

Uses will include land application of waste water (fully consumptive practice). No new wells or additional amounts of water are proposed. The applicant wants water rights to reflect the municipal nature of this site. Maps and details of the proposed changes are available at the office listed below.

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Karl J. Dreher, Director
Published Statewide in the Idaho Statesman, Post Register, Lewiston Morning Tribune, and Times News on January 20 and 27, 2000.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 219718NOTICE OF attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 01/20, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 01/20/2000, and the last publication thereof being on the 01/27/2000 and said 219718NOTICE OF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 27

day of January 2000

Sheryl M. Lentz

Notary Public in and for the State of k
residing at Lewiston, therein
Commission Expires 6-04-03

RECEIVED

FEB 02 2000

Affidavit of Publication

STATE OF IDAHO
COUNTY OF TWIN FALLS } SS.WATER RESOURCES
WESTERN REGION

No 33098

I, Ruby Underhade being first duly sworn upon oath, depose and say that I am Principal Clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive Weeks, commencing with the issue dated Jan 20, 192000, and ending with the issue dated Jan 27, 192000.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 27th day of Jan in the year of 2000, before me,

a Notary Public, personally appeared Ruby Underhade known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Heva R. Feltman
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5/19/2000NOTICE OF PROPOSED CHANGE
OF WATER RIGHTS

Notice is given that ID DEPT OF CORRECTIONS of 1299 N. Orchard, Ste 110, Boise, ID 83706 has applied to the Department of Water Resources to change the point of diversion and place, nature and season of use pursuant to I.C. § 42-211 and 42-222 for 9 ground water rights in Ada County. The rights include 5 licenses, a permit and 3 beneficial use adjudication claims, all serving various portions of 2 prison facilities near Pleasant Valley Road south of the Boise Airport. The existing water rights and proposed changes are within Sections 21 and 27-34, T2N, R2E. The rights are nos. 63-03271, 63-03445, 63-03487, 63-07025, 63-08088, 63-12296, A63-30296, A63-30297 and A63-30298, and have dates of priority from early 1962 to late 1995.

The rights presently cover 7 wells, 27.06 cfs, 1816 acres of irrigation (some overlap), and various year around non-irrigation uses. The applicant wants to combine the rights into a 3125 acre permissible place of use. APPLICATION for TRANSFER #5635 for licenses and claims (1962-1977 priorities) will provide 19.18 cfs to irrigate 1214 acres and 6.18 cfs for year around municipal use. The total amount of water being transferred is 21.24 cfs/7350 afa for all uses. APPLICATION for AMENDMENT of Permit 63-12296 with a late 1995 priority will change 5.00 cfs of irrigation/domestic use into year around Municipal use.

Uses will include land application of waste water (fully consumptive practice). No new wells or additional amounts of water are proposed. The applicant wants water rights to reflect the municipal nature of this site. Maps and details of the proposed changes are available at the office listed below.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before February 7, 2000. The protestant must also send a copy of the protest to the applicant. Karl J. Dreher, Director

PUBLISH: January 20 and 27, 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

January 14, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JANICE HILDRETH
ID STATESMAN
PO BOX 40
BOISE ID 83707

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated. 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. Your cooperation is appreciated.

Please send the affidavits of publication and publication billing to this office before
FEBRUARY 7, 2000.

Sincerely,

Sue Taylor
Senior Secretary

Enc.

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

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The rights presently cover 7 wells, 27.06 cfs, 1816 acres of irrigation (some overlap), and various year around non-irrigation uses. The applicant wants to combine the rights into a 3125 acre permissible place of use. **APPLICATION for TRANSFER #5635** for licenses and claims (1962-1977 priorities) will provide 19.18 cfs to **Irrigate** 1214 acres and 6.18 cfs for year around **Municipal** use. The total amount of water being transferred is 21.24 cfs/7350 afa for all uses. **APPLICATION for AMENDMENT of Permit 63-12296** with a late 1995 priority will change 5.00 cfs of irrigation/domestic use into year around **Municipal** use.

Uses will include land application of waste water (fully consumptive practice). No new wells or additional amounts of water are proposed. The applicant wants water rights to reflect the municipal nature of this site. Maps and details of the proposed changes are available at the office listed below.

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Karl J. Dreher, Director

Published Statewide in the Idaho Statesman, Post Register, Lewiston Morning Tribune, and Times News on January 20 and 27, 2000.

*Abbreviated
notice*

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Notice is given that **ID. DEPT. OF CORRECTIONS** of 1299 N. Orchard Ste. 110, Boise ID 83706 has applied to the Department of Water Resources to change the point of diversion and place, nature and season of use pursuant to I.C. § 42-211 and 42-222 for the following ground water rights recorded as follows in Ada County:

All sites in this notice are in T2N R2E. The water rights include 5 Licenses, 3 Snake River Basin Adjudication (SRBA) Beneficial Use Claims noted by "A" prefixes, and 1 Permit. The rights provide water from 7 wells to the old and new prison facilities near Pleasant Valley Road south of the Boise Airport.

#63-03271, priority 1-2-1962, 2.92 cfs diverted from 1 well in NESE S27 for irrigation of 228 acres and stockwater in portions of S21, 27 & 28. Season of use is undefined in license.

#63-03445, priority 4-16-1965, 4.74 cfs diverted from 4 wells in SESE S30 & NENE, SENE, NWSE S32 to irrigate 125 acres with 2.5 cfs from 3-15 to 11-15. Domestic use of 2.24 cfs and Fire Protection of 4.74 cfs are included for year around use. Domestic use includes land application of waste water. All uses are in portions of S31 & 32. This right and Permit **#63-12296** listed below provided water to build a new prison facility, and the land application in 63-03445 plus all of 63-12996 are considered fully consumptive.

#63-03487, priority 1-20-1966, 5.4 cfs diverted from 1 well in SWSW S27 to irrigate 140 acres with 2.8 cfs from 3-15 to 11-15 in NE ¼ S33. Domestic and Fire Protection uses of 5.4 cfs each are included as year around uses in portions of S27 & 28.

#63-07025, priority 9-22-1967, 3.38 cfs diverted from 1 well in SWSE S27 to irrigate 264 acres with 3.38 cfs from 3-15 to 11-15 in portions of S27, 28, 33 & 34. Domestic and Fire Protection uses of 0.5 cfs each are included as year around uses in portions of S27 & 28.

#63-08088, priority 2-27-1975, 4.8 cfs diverted from 1 well in SESE S30 to irrigate 312 acres from 4-1 to 11-1 in portions of S29 & 30.

The above rights are **Licenses**.

#A63-30296, priority 3-15-1977, 0.54 cfs diverted from 2 wells in SESE S30 & NWSE S32 to irrigate 582 acres from 3-15 to 11-15 in portions of S29-32. This is an expansion claim related to rights 63-03445 and 63-08088 and adds 33 acres within the 582 acre area originally covered by these 3 rights.

#A63-30297, priority 8-1-1977, 0.04 cfs diverted from 2 wells in SWSW & SWSE S27 for year around Domestic use in SWSE S29.

#A63-30298, priority 8-1-1977, 0.24 cfs diverted from 2 wells in SWSW & SWSE S27 for year around Stockwater use in portions of S29.

The preceding 3 rights are **SRBA Beneficial Use Claims**. Proposed **TRANSFER NO. 5635** will change the Licenses and Claims.

*Complete
Notice*

Permit #63-12296, priority 12-7-1995, 5.0 cfs diverted from 2 wells in NENE & SENE S32 to irrigate 165 acres from 3-15 to 11-15. Domestic use of 4.23 cfs is included for year around use, which includes land application of waste water. All uses are in portions of S31 & 32. This right is considered fully consumptive. This right will be changed by a proposed **AMENDMENT** listed below.

PROPOSED CHANGE FOR ALL RIGHTS

APPLICATION for TRANSFER # 5635 will consolidate the Licenses and SRBA Claims into a Permissible Place of Use (PPOU) of 3125 acres in portions of S21 & 27-34 for both prison facilities. Rights will have some combination of changes for points of diversion and place, nature & season of use. All of the rights will use any combination of the 7 above listed wells. A total of 21.24 cfs, not to exceed 7350 acre-feet annually (afa), will be used in the PPOU as follows:

- (i) 19.18 cfs/5460 afa, to irrigate 1214 acres from 3-15 to 11-15 to conform to the local irrigation season
- (ii) **Irrigation** will occur under all rights except A63-30297 & A63-30298.
- (iii) 6.18 cfs/1890 afa, for all non-irrigation uses required by the prison facilities on a year around basis
- (iv) non-irrigation uses will be changed to **Municipal** and will occur under rights 63-03487, 63-07025, A63-30297, and A63-30298.
- (v) land application of waste water will occur in the PPOU.

APPLICATION for AMENDMENT of PERMIT #63-12296 will change the place, nature & season of use. The right will include the 2 wells in NENE & SENE S32 for 5.00 cfs for year around **Municipal** use within the 3125 acre PPOU. Land application of waste water will occur in the PPOU.

The applicant does not propose to drill new wells or divert more water than defined by all of the existing rights. The applicant wants water rights to reflect the municipal nature of this site.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 for each application on or before February 7, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published Statewide in the Idaho Statesman, Post Register, Lewiston Morning Tribune, and Times News on January 20 and 27, 2000.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

August 13, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Keith E. Anderson
Consultant in Engineering and Geology
432 Summit Ridge
Boise, Idaho 83702

Re: 63-03445 (T-5314), 63-08088 and 63-12296

Dear Keith:

This a delayed response to your letter of July 20, 1999, requesting concurrence to use water to establish the cover crops needed for land application of waste water without first using the water for domestic purposes at the new prison. This issue arises because the water rights are conditioned to require use of the water for the primary domestic purpose prior to applying the waste water to irrigate fields as part of the waste water clean-up. We have discussed this matter several times since receipt of the letter, and I understand that the issue has been resolved for at least the present by using waste water stored from the construction process.

As we discussed, authorizing direct irrigation under a right that allows land application only for purposes of waste water treatment could be a precedent that others might seek to use. Once a cover crop is established, a water user will likely be reluctant to stop irrigating if the primary use under the right is further delayed. Because land application of waste is a common practice, the effect of the precedent could be far-reaching.

Our discussions identified that because Department of Corrections has not been using all of its irrigation rights this year, the state water bank provides a workable process for moving temporarily all or part of another right owned by Corrections to irrigate the land needed for the cover crop. If it turns out that the construction waste water is not adequate, the water bank procedure is an alternative.

If this matter is not adequately resolved as described in this letter, please let me know and it will be given further review.

Sincerely,

Norman C. Young
Administrator
Water Management Division



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

December 18, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STATE OF IDAHO
DEPT OF CORRECTIONS
1299 N ORCHARD #110
BOISE ID 83706

RE: Water Right 63-12296

Dear Permit Holder(s):

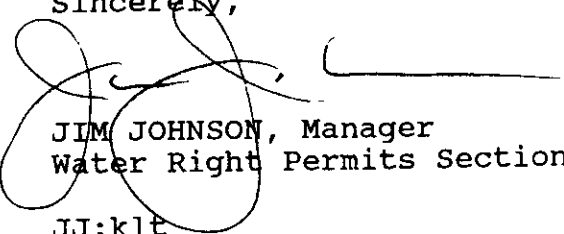
The Department of Water Resources (IDWR) has issued the enclosed Amendment of Permit approving your application to amend the water right referenced above. Please be sure to review every element of the Amendment of Permit, including the conditions of approval and remarks.

The Amendment of Permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

If you have any questions regarding this matter, you may call me at 208-327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED

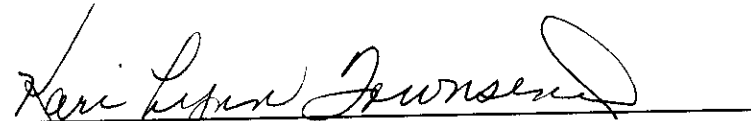
JAN 04 1999

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of **December, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Amendment of Permit)** to the person(s) listed below:

WATER RIGHT 63-12296

**STATE OF IDAHO
DEPT OF CORRECTIONS
1299 N ORCHARD #110
BOISE ID 83706**



Kari Lynn Townsend
Secretary

MICROFILMED
JAN 04 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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JAN 04 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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

JAN 04 1999

or Approval:

01M - 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.

046 - Right holder shall comply with the drilling permit

- requirements of Section 42-235, Idaho Code.

R65 - This right when combined with all other rights shall provide no

- more than 0.02 cfs per acre nor more than 4.5 afa per acre at the
- field headgate for irrigation of the lands above.

120 - 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 needed for salmon
- migration purposes. The amount of water required to be released
- into the Snake River or a tributary 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.

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/17/98
PAGE: 2

Remarks: GEN Irrigation use under this right is limited to 45 acres within the place of use described above in a single irrigation season. Domestic use is for up to 3000 inmates and 700 employees at the state prison addition, and includes the land application of waste water within the NE and NW, S31, T2N, R2E. The water used for domestic purposes under this right is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water diverted for domestic purposes shall not irrigate growing plants unless the water is first beneficially used in the prison facility as authorized by this right. Water diverted under this right is considered to be fully consumed. Water bearing zone to be appropriated is 550 to 750 feet.

Dates: App. Received: 12/07/1995 Priority Date: 12/07/1995
Proof Due Date: 11/01/2003 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 63 Field Exam Fee:

Comments: Date: 12/07/1995 User-ID: RHOWERTO Subject: Future Growth
This application is intended to cover future growth.
Domestic water use based upon additional persons in the next five years.
Total population for the year 2000 is 3000 inmates and 700 staff.

Date: 12/07/1995 User-ID: RHOWERTO Subject: DOC Wells
DOC wells 3 & 4 are connected now and well 4 is a back-up well for well 3.
DOC well 6 exists and will be interconnected as part of the plan for growth.

Date: 12/08/1995 User-ID: SLESTER Subject: PROCESSING DELAY, FEE & OVERLAP
Application processing delayed pending backlog reduction.
Purchase Order submitted with filing, date of priority to be determined per follow-up with correct payment (fee is \$200).
Application related to pre-1987 development (appl. 63-12297) plus SRBA claims A63-30296 through A63-30298 (& perhaps others?).
Large Div. info solicited from applicant & response in process.
Water bearing zone assumed per 2 well logs in IDWR records: well #3 and well #4; no log found for well #6.

Date: 07/07/1998 User-ID: SLESTER Subject: PROCESSING UPDATE
Application was advertised last 2 weeks of June 1998. Information was out of date. This amended filing is for new prison site near existing prison. Note that irrigation in NW 1/4 is limited to 40 acres per irrigation season within 160 acre land base. The land application practice (domestic use in NW 1/4) is included per

WR0749NP
No. B63-12296

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/17/98
PAGE: 3

=====

Comments: Date: 07/07/1998 User-ID: SLESTER Subject: PROCESSING UPDATE
the interim waste water treatment policy of IDWR.
Total build-out of 2 phase prison development is 3000 beds. Total
number of staff not known at this time. New wells will not serve
existing prison. Wells at existing prison will not serve new
prison.

Audit: 11/04/98 SCURTIS 12/17/98 SCURTIS

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM			
		NE		NW		SW		SE		NE		NW		SW		SE		SUM			
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
B6312296	T02N R02E S31	GROUNDWATER																	160		
	:	40	40	25	25	:	20		10	:											
6300329	TEN MILE C	:																			
A6300329A	TEN MILE C	:																	116		
A6300329B	TEN MILE C	:																	226		
6300330	TEN MILE C	:																	116		
A6300330A	TEN MILE C	:																	226		
A6300330B	TEN MILE C	:																			
6300331	TEN MILE C	:																	116		
A6300331A	TEN MILE C	:																	226		
A6300331B	TEN MILE C	:																			
6300332	TEN MILE C	:																	226		
A6300332	TEN MILE C	:																	226		
A6300379	TEN MILE C	:																	226		
A6302200	TEN MILE C	:																	325		
6302615	UNNAMED ST	:																	205		
A6302615A	EIGHTMILE	:																	186		
6303362	GROUNDWATE	:																	186		
A6303362	GROUNDWATE	:																	9		
6311347	GROUNDWATE	:																	23		
A6330296	GROUNDWATE	:	23																82		
--86 MAP--	C1Q-Y 8	:	26	04			08	:	02								04				

B6312296	T02N R02E S32	GROUNDWATER																	5
	:	02				03	:												
6303445	GROUNDWATE :	02				03	:			40	40					40			125
A6303445	GROUNDWATE :	39				39	:			40	40				39	40			237
6309242	GROUNDWATE :						:							20	:				20
~~6312296~~	~~GROUNDWATE :~~	~~02~~				~~03~~	:	~~40~~	~~40~~	~~40~~	~~40~~								~~165~~
A6330296	GROUNDWATE :	39	39			39	:	39	39		40	40			39	39			353
--86 MAP--	C1Q-Y 9 :	35	37	09		37	:	38	41	30	14				37	04	01	07	290

diff pld's

AMENDMENT OF PERMIT REVIEW

Review Date 12/17/98

PERMIT NO. 63-12296 NAME Dept. of Corrections

TYPE: A = AMENDED E = CHANGE N/U I = CHANGE P/D & P/U
B = CHANGE P/D F = CHANGE Per/U J = ADD P/D & CHANGE P/U
C = ADD P/D G = OTHER
D = CHANGE P/U H = CHANGE P/D & + P/D

AREA OF CONCERN: ____ Mor ____ GWMA Trust/Non-trust

PROOF OF B/U RECEIVED? Yes No Due < 6 months? Yes No

GROUNDWATER:

Drilling Permit No. 63-98-C-0530-000 and drilled 765'
Drilled ____ 0531 - not drilled yet

Swan Falls Flag ____

Conditions of Approval: 01M, 046, R65, 120

Remarks/Comments _____

MICROFILMED
JAN 04 1999



STATE OF IDAHO

RECEIVED

DEC 16 1998

Department of Correction
Administrative Offices

Department of Water Resources

JAMES C. SPALDING
DIRECTOR

PHILIP E. BATT
GOVERNOR

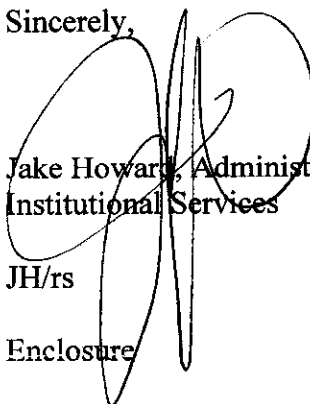
December 14, 1998

Jim Johnson, Manager
Water Right Permits Section
Department of Water Resources
1301 No. Orchard
Boise, ID 83706-2237

Dear Mr. Johnson:

Enclosed is the Application for Amendment of a Permit on behalf of the State of Idaho, Department of Correction for Permit No. 63-12296. Also enclosed is the \$50.00 filing fee.

Sincerely,


Jake Howard, Administrator
Institutional Services

JH/rs

Enclosure

cc: Pat Donaldson

MICROFILMED

JAN 04 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-7866

DATE: 12.3.98

TO: Ruth
327-7404

FROM: Jim Johnson
IDWR

DOCUMENT DESCRIPTION: Howard letter of 10.30.98

COVER SHEET + 2 PAGES

CONTACT: Kari Lynn IF YOU DO NOT RECEIVE ALL THE PAGES
327-7941

MICROFILMED

JAN 04 1999

THANK YOU!

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*****
*                                                                 P. 01 *
*                                                                 *
*          TRANSACTION REPORT          *
*                                                                 *
*                                                                 DEC-03-98 THU 05:49 PM *
*                                                                 *
*   DATE  START  RECEIVER      TX TIME  PAGES  TYPE      NOTE      M# *
*   ----- *
*   DEC-03 05:48 PM 6-93277404    1' 18"    3  SEND      OK          *
*   *
*****
```



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

December 2, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DEPARTMENT OF CORRECTION
JAKE HOWARD
500 S 10TH
BOISE ID 83702

RE: Application for Amendment of a Permit

Dear Mr. Howard:

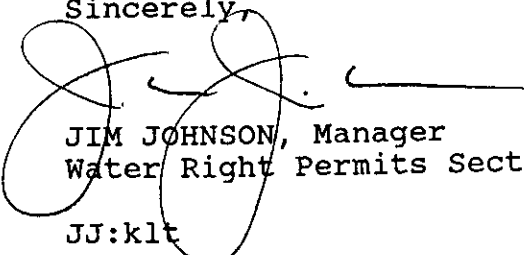
In response to your letter of October 30, 1998, we are enclosing a corrected Application for Amendment of a Permit.

If you determine that the information is correct, please sign the application and return it with the \$50.00 filing fee.

We will be happy to complete the processing of your request upon receipt of the application and the filing fee.

If you have any questions regarding this matter, please call me at 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED
JAN 04 1999



STATE OF IDAHO

Department of Correction
Administrative Offices

RECEIVED

OCT 30 1998

Department of Water Resources

PHILIP E. BATT
GOVERNOR

JAMES C. SPALDING
DIRECTOR

October 30, 1998

Mr. L. Glen Saxton
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, ID 83706

Re: Permit No. 63-12296

Dear Mr. Saxton:

We have received the preliminary order for Permit to Appropriate Water No. 63-12296 which you signed on October 23, 1998.

Unfortunately, there was a slight error in the Amended Application with respect to the described place of use for the irrigation portion of the water right (which similarly affects the area for land application of the domestic waste water). We are submitting this letter in order that corrections can be made prior to your issuance of the final order. However, all quantities and total acreages remain unchanged.

The "Place Of Use" on the front of the permit should now read:

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>Acres</u>		<u>Acres</u>		<u>Acres</u>	<u>TOTAL</u>
02N	02E	31	NENE	40.0	NWNE	40.0	SWNE	25.0	
			SENE	25.0	NENW	20.0	SENE	10.0	160.0
		32	NENE	2.0	SENE	3.0			5.0

Total number of acres irrigated: 165.0

PLACE OF USE: DOMESTIC, same as IRRIGATION use

On the reverse side of the permit, under "Conditions of Approval and Remarks," the areal description needs changed and Condition 9 should now read:

P.O. BOX 83720 1299 N. ORCHARD, SUITE 110 BOISE, IDAHO 83720-0018 (208)658-2000 FAX(208)327-7404

EQUAL OPPORTUNITY EMPLOYER

Mr. L. Glen Saxton
October 30, 1998
Page 2

9. Domestic use is for up to 3,000 inmates and 700 employees at the state prison addition, and includes land application of waste water within NE and NW, S31, T02N, R02E.

We appreciate your cooperation in making these corrections resulting from our unfortunate error in the Amended Application.

Sincerely,

Jake Howard, Administrator
Institutional Services

JH/rs

cc: Richard Burleigh, Hawley, Troxell, Ennis & Hawley, LLP
Keith Anderson, Consultant in Engineering and Geology
Pat Donaldson, Construction, IDOC

MICROFILMED
JAN 04 1999

DEPARTMENT OF CORRECTION



JAKE HOWARD
ADMINISTRATOR OF
INSTITUTIONAL SERVICES

500 S. 10TH
BOISE, IDAHO 83702

(208) 334-2318
SECRETARY 332-8339

FAX: (208) 334-2443



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 23, 1998

STATE OF IDAHO
DEPT OF CORRECTIONS
1299 N ORCHARD STE 110
BOISE ID 83706

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12296

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

MICROFILMED

OCT 27 1998

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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OCT 27 1998

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CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of October, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 63-12296

STATE OF IDAHO
DEPT OF CORRECTIONS
1299 N ORCHARD STE 110
BOISE ID 83706


Kari Lynn Townsend
Secretary

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OCT 27 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

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OCT 27 1998
Page 2

MEMORANDUM

To: Water right no. 63-03445 (transfer no. 5314); Application for water right no. 63-12296; both in the name of the Idaho Dept. of Corrections
From: Gary Spackman *Gary*
Date: September 25, 1998

Re: Analysis of the filings and conditions of approval

In 1995, the Department of Corrections (Corrections) filed application to appropriate water no. 63-12296 for a new prison enlargement to be located near the existing state prison off of Pleasant Valley Road. The application was protested by United Water Idaho (United Water). The application was amended and republished. Because Corrections was anxious to construct the wells proposed by the application, Corrections also filed an application for transfer of an existing water right, hoping that it could be approved faster than the application for a new water right. It, too, was protested by United Water. As a result, both applications propose some overlapping component of the other.

United Water withdrew its protests to the application for transfer and the application for a new water right. Both applications can now be processed.

Corrections stated during the preparation of the application for transfer that, once the new water right application is approved, Corrections might want to transfer water right no. 63-12296 back to an irrigation water right. I recognize that the application for transfer was filed as an afterthought, and will analyze application to appropriate water no. 63-12296 as if there are no other water rights appurtenant to the lands upon which the application for transfer proposes as a place of use.

Application for transfer no. 5314 (Water right no. 63-03445)

Steve Lester's memo dated August 18, 1998 clearly explains the transfer proposal, and I incorporate his analysis by reference. I will compare the beginning and ending descriptions of the water right with other similar applications we have considered in the past.

Application for transfer no. 5314 proposes to add two beneficial uses of water (domestic and fire protection) to water right no. 63-03445. IDWR has traditionally required that the irrigation water right must be reduced by the quantity of water that will be diverted for the new use, even if the new use will be nonconsumptive. In Steve's analysis, Corrections proposes to reduce the irrigated acres from 237 acres to 125 acres, fallowing 112 acres. On the heels of the proposal to reduce the number of irrigated acres, Corrections then states that it will land apply the domestic water to as many as 200 acres of land. The net result of the transfer will be to add beneficial uses of domestic and fire protection and add 88 irrigated acres to water right no. 63-

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03445, resulting in an enlargement of use.

To prevent an enlargement of use, I propose the following conditions:

1. If this water right is ever regulated, the domestic use under this right shall assume a priority date of August 11, 1998. (The date the application was filed).
2. The total number of acres irrigated or to which water is land applied shall not exceed 237 acres in any calendar year.
3. (046)
4. If this water right is transferred within five years after this application for transfer is approved, the transfer shall not be limited by its relationship to permit no. 63-12296.

Application to Appropriate Water no. 63-12296

I propose approving application no. 63-12296, but recognize that it is not supplemental to water right no. 63-03445 for a period of five years from the date of final approval. I recommend the following condition of approval:

1. This right and water right no. 63-03445 provide water to the new state prison addition. This permit may supply all the water for the new prison addition, however, if water right no. 63-03445 is transferred for another use within five years after the date of final approval of this application.
2. Water diverted under this right is considered to be fully consumed.

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OCT 27 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

RECEIVED

PHILIP E. BATT
GOVERNOR

September 23, 1998

SEP 25 1998

KARL J. DREHER
DIRECTOR

Department of Water Resources

CHRISTOPHER H MEYER
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701

Re: Application for Permit No. 63-12296 in the Name of Idaho Department of Corrections

Dear Mr. Meyer:

This letter is to acknowledge the withdrawal of protest of the above-referenced application for water right.

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

If you have any questions please call this office.

Sincerely,

Gary Spackman

GS:st

CC: Applicant
Norm Young
Phil Rassier
Merlyn Clark
Richard Burleigh

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OCT 27 1998

D0000602

Ident. No.

63-98-C-0530-000

WR 63-12296

63-03445

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR DRILLING PERMIT

1. Name: STATE OF IDAHO O 208-334-2318
Address: DEPT OF CORRECTIONS
500 SOUTH 10TH STREET 1299 N. Orchard St
BOISE ID 83702 83706 ste 110
- Name: SCANLAN ENGINEERING R 208-383-4140
Address: C/O TERRY SCANLAN
600 EAST RIVER PARK LANE
SUITE 105
BOISE ID 83706

2. Proposed Well Location: Township 02N, Range 02E, Sec. 32, NENE
ADA County

Street Address of Well Site: PLEASANT VALLEY ROAD 6 MILES SOUTH OF BOISE
BOISE ID

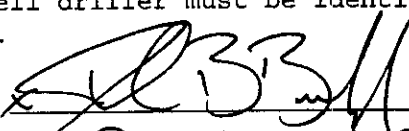
3. Proposed Use of Well: Other
PRISON

4. Well Construction Information:

- A. NEW WELL
B. Proposed Surface Diameter 12 In. Proposed Maximum Depth 900 Ft.
C. Anticipated Bottom Hole Temperature: 85 F or less (Cold water well)
(NOTE: Construction diagrams and/or other information may be requested for
monitor, low temperature geothermal, municipal and artesian wells.)

5. Construction Start Date: 9/17/98 NY
12/12/2112

6. Anticipated Well Driller: PETE COPE DRILLING CO INC (No. 0213)
NOTE: The actual well driller must be identified to IDWR prior to drilling
commencement.

7. Applicant's Signature  Date 9/17/98
Title Attorney for Department of Corrections
(Owner, Firm Representative, Other)

Fee \$ 400.00 Received by _____ No. W024153 Date 7/20/1998

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(Continued)

OCT 27 1998

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This permit is Approved.Date: 9-17-98

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

CONDITIONS OF APPROVAL:

1. This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells must not be drilled closer than 100' from any drainfield and 50' from any septic tank. Public Water Supply wells must not be drilled closer than 100' from any drainfield or septic tank.
3. The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Dig Line " Number for your area is 1-800-342-1585.
9. The screened, perforated, filterpacked or otherwise open and commingled strata which are to be produced from, shall be of similiar hydraulic head, temperature and quality. If there are notable variations encountered as the well is drilled and/or developed, the Department will be notified for evaluation.
10. Prior to commencing construction of the well authorized by this permit, Corrections shall submit for written approval by IDWR a drilling prospectus and written construction procedure showing compliance with the IWRB Well Constructin Standards and DEQ public water supply requirement. The drilling prospectus shall depict all components of the well and describe sizes and dimensions of the bore hole, casing, and all materials used in constructing the well; The written construction procedures shall describe in detail the stratigraphy expected at the well site and methods of construction, casing and sealing that will protect all aquifers encountered,

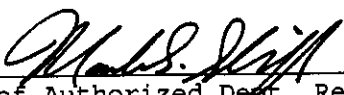
(Continued)

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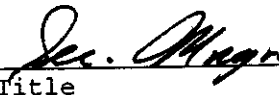
OCT 27 1998

CONDITIONS OF APPROVAL:

- including the aquifer in which the well is developed.
11. Corrections acknowledges that by accepting this drilling permit and commencing construction, Corrections accepts all risk that diversion of water from this well may not ultimately be approved for use.
 12. Pumping equipment shall not be installed and no water shall be diverted from the well hereby authorized prior to approval of water right or other authorization to divert and use water.
 13. Upon rejection of a water right application proposing diversion of water from wells drilled pursuant to these drilling permits, and exhaustion of all legal challenges or other alternative proposals for use of water (other than an application for permit), Corrections shall abandon or cap the well according to state law.



Signature of Authorized Dept. Representative



Title

EXTENSION OF DRILLING PERMIT

Extension Approved by: _____

Approval Date: _____
Expires On: _____

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OCT 27 1998

9/6/96

Drilling Permit No. 63-98-C-0530-000, 63-98-C-0531-000

Water Right No. 63-12296 ; 63-03445 (Transfer No. 5314)

REQUEST FOR EXPEDITED ISSUANCE OF A DRILLING PERMIT

State of Idaho, Department of Corrections, Applicant, requests issuance of Drilling Permit prior to approval of a water right. The request is made for the following reason(s):

New prison is in construction. Wells for the
new prison are required for both construction and
bringing the plumbing on line for the prison.
Construction schedule requires the wells drilled and
functioning by October. Applicant seeks to have the
wells drilled at the same time the above permit application
and transfer are approved
Applicant understands that the drilling permit does not constitute a water right and does not authorize diversion or use of water from the well.

Applicant acknowledges that by accepting a drilling permit and commencing construction he accepts all risk that the well may not ultimately be approved for use.

9-17-98
Date

[Signature]
Applicant's Signature

Administrator of Institutional Services
Applicant's Title

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OCT 27 1998

D0000603

Ident. No.

63-98-C-0531-000

WR 63-13296
63-03445

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR DRILLING PERMIT

1. Name: STATE OF IDAHO O 208-334-2318
Address: DEPT OF CORRECTIONS
500 SOUTH 10TH STREET 1299 N. Orchard St
BOISE ID 83702 83706 Ste 110

Name: SCANLAN ENGINEERING R 208-383-4140
Address: C/O TERRY SCANLAN
600 EAST RIVER PARK LANE
SUITE 105
BOISE ID 83706

2. Proposed Well Location: Township 02N, Range 02E, Sec. 32, NENE
ADA County

Street Address of Well Site: PLEASANT VALLEY ROAD 6 MILES SOUTH OF BOISE
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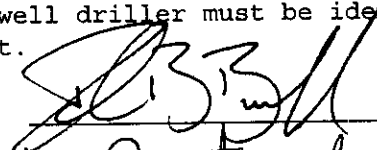
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PRISON

4. Well Construction Information:

- A. NEW WELL
 - B. Proposed Surface Diameter 12 In. Proposed Maximum Depth 900 Ft.
 - C. Anticipated Bottom Hole Temperature: 85 F or less (Cold water well)
- (NOTE: Construction diagrams and/or other information may be requested for monitor, low temperature geothermal, municipal and artesian wells.)

5. Construction Start Date: 9/17/98 Ncy
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6. Anticipated Well Driller: PETE COPE DRILLING CO INC (No. 0213)
NOTE: The actual well driller must be identified to IDWR prior to drilling commencement.

7. Applicant's Signature  Date 7/17/98
Title Attorney for Department of Corrections
(Owner, Firm Representative, Other)

Fee \$ 400.00 Received by _____ No. W024153 Date 7/20/1998

(Continued)

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ACTION OF THE DEPARTMENT OF WATER RESOURCES

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(Continued)

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CONDITIONS OF APPROVAL:

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Extension Approved by: _____

Approval Date: _____

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OCT 27 1998

9/6/96

Drilling Permit No. 63-98-C-0530-000, 63-98-C-0531-000

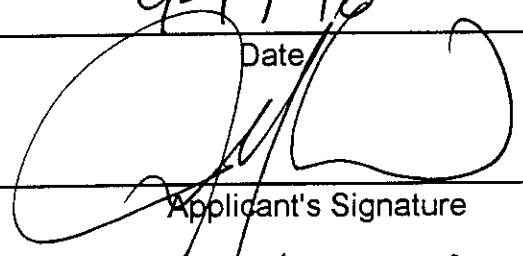
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9-17-98
Date

Applicant's Signature

Administrator of Institutional Services
Applicant's Title

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OCT 27 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 23, 1998

CHRISTOPHER H MEYER
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701

Re: Application for Permit No. 63-12296 in the Name of Idaho Department of Corrections

Dear Mr. Meyer:

This letter is to acknowledge the withdrawal of protest of the above-referenced application for water right.

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

If you have any questions please call this office.

Sincerely,

Gary Spackman

GS:st

CC: Applicant
Norm Young
Phil Rassier
Merlyn Clark
Richard Burleigh

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OCT 27 1998

GIVENS PURSLEY LLP

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701

TELEPHONE: 208 388-1200

FACSIMILE: 208 388-1201

DIRECT DIAL: (208) 388-1236
EMAIL: chm@givenspursley.com

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Fereday
L. W. Grant III
Richard W. Jankowski
Karl T. Klein
David R. Lombardi

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SEP 11 1998

**WATER RESOURCES
WESTERN REGION**

Kimberly D. Maloney
Kenneth R. McClure
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Ramona S. Neal
Aaron H. Nemec
W. Hugh O'Riordan

Kenneth L. Pursley
Gregory J. Vietz
Conley Ward
Steven R. Weeks
Stephanie C. Westermeier

Raymond D. Givens
James A. McClure
OF COUNSEL

September 10, 1998

Via Facsimile and U.S. Mail

Mr. Gary Spackman
Regional Manager
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: WITHDRAWAL OF PROTEST
Department of Corrections Water Right Application No. 63-12296
Our File No. 30-89

Dear Gary:

United Water Idaho ("UWID") hereby withdraws the protest it filed with respect to the above-captioned water right application.

I wish to thank you, Norm Young, Phil Rassier and the rest of the IDWR staff, as well as the applicant, the Department of Corrections, for the cooperation that has been extended to UWID in resolving our concerns over this application.

Sincerely,



Christopher H. Meyer

cc: Norm Young
Phil Rassier
Merlyn Clark
Richard Burleigh
Edward Squires

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OCT 27 1998

CHM:baf

S:\Clients\30\89\Corr\1998-09-10 CHM Ltr to G.Spackman - Withdrawal of protest.wpd

FAX COVER SHEET

DATE: Thursday, September 10, 1998

PAGES (INCLUDING COVER): 2ORIGINAL TO FOLLOW: NORE:
Our File No.

TO:

From:
CHRISTOPHER H. MEYER
GIVENS PURSLEY LLP
Suite 200, Park Place
277 North Sixth Street
Post Office Box 2720
Boise, Idaho 83701-2720
Telephone: 208-388-1236
Fax: 208-388-1201
Email: chm@givenspursley.com

Merlyn W. Clark, Esq.	Hawley Troxell Ennis & Hawley	342-3829
Richard B. Burleigh, Esq.		
Mr. Gary Spackman	Idaho Department of Water Resources	334-2348
Mr. Edward Squires	United Water Idaho	362-3858

MESSAGE:

Please see attached.

— Chris

If this fax does not transmit fully or is difficult to read, please contact me or my secretary, Barbara Feasel, at (208) 388-1227.

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OCT 27 1998

CONFIDENTIALITY NOTICE

This facsimile may contain confidential information that is protected by the attorney-client or work product privilege. It is intended only for the use of the individual(s) named above. If you are not a named recipient or an employee responsible for delivering the facsimile, you are instructed not to deliver, distribute or copy this facsimile, nor should you disclose its contents or take any action in reliance on the information it contains. If you have received this facsimile in error, please notify us immediately by telephone to arrange for the return of the transmitted documents to us. Thank you.

S:\Clients\30\89\Fax\CHM Fax to G.Spackman, M.Clark, R.Burleigh, E.Squires.wpd

GIVENS PURSLEY LLP

LAW OFFICES

277 North 6th Street, Suite 200

PO Box 2720, Boise, Idaho 83701

TELEPHONE: 208 388-1200

FACSIMILE: 208 388-1201

DIRECT DIAL: (208) 388-1236

EMAIL: chm@givenspursley.com

Gary S. Allen
Christopher J. Bason
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Roy Lewis Eguon
Jeffrey C. Foreday
L. W. Grant III
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Conley Ward
Steven R. Weeks
Stephanie C. Westermarck

Raymond D. Bivona
James A. McClure
OF COUNSEL

September 10, 1998

Via Facsimile and U.S. Mail

Mr. Gary Spackman
Regional Manager
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: WITHDRAWAL OF PROTEST
Department of Corrections Water Right Application No. 63-12296
Our File No. 30-89

Dear Gary:

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I wish to thank you, Norm Young, Phil Rassier and the rest of the IDWR staff, as well as the applicant, the Department of Corrections, for the cooperation that has been extended to UWID in resolving our concerns over this application.

Sincerely,



Christopher H. Meyer

cc: Norm Young
Phil Rassier
Merlyn Clark
Richard Burleigh
Edward Squires

CHM:baf

S:\Clients\30\89\Corr\1998-09-10 CHM Ltr to G.Spackman - Withdrawal of protest.wpd

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OCT 27 1998

CONVERSATION MEMORANDUM

DATE 8/3/98
FILE 63-12296
63-03445

NAME OF PARTY Richard Barleigh - Attorney
Pst Donaldson - IDOC
EMPLOYEE RZ

RE: REVISED FILINGS ?

Attorney & Applicant visited to discuss other filing options.

Possible -

(1) Revised transfer Appl. 63-03445 filed on 7/30/98 for temp. use for construction worker might be revised for long term transfer to serve all/part of new prison ~~transfer~~ needs.

(2) Appl. 63-12296 might then be revised to fill in the gaps not covered by post-transfer scenario.

Delay processing transfer appl. until Applicant decides how to proceed.

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OCT 27 1998

GIVENS PURSLEY LLP

RECEIVED

AUG 03 1998

WATER RESOURCES
WESTERN REGION

LAW OFFICES

277 North 6th Street, Suite 200

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DIRECT DIAL: (208) 388-1236

EMAIL: chm@givenspursley.com

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Fereday
L. W. Grant III
Richard W. Jankowski
Karl T. Klein
David R. Lombardi

Kimberly D. Maloney
Kenneth R. McClure
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Ramona S. Neal
Aaron H. Nemec
W. Hugh O'Riordan

Kenneth L. Pursley
Gregory J. Vietz
Conley Ward
Steven R. Weeks
Stephanie C. Westemeier

Raymond D. Givens
James A. McClure
OF COUNSEL

July 31, 1998

Mr. Gary Spackman
Regional Manager
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: PROTEST
Department of Corrections Water Right Application No. 63-12296
Our File No. 30-89

Dear Gary:

As you know, United Water Idaho ("UWID") filed a protest of the above-captioned water right application on June 30, 1998. Per your letter of July 14, 1998, we note that the application has been revised and re-advertised.

It does not appear to UWID that any of the changes in the application materially change UWID's basis for opposing the application. Consequently, UWID's prior protest is renewed and hereby incorporated by this reference.

Based on your letter of July 14, 1998, it is my understanding that we are not required to pay an additional \$25.00 protest fee. If any fees are owed, or if other procedures should be followed to preserve UWID's protest, please advise at once so that we may make the necessary filings in a timely manner.

By the way, I wish to advise the Department that UWID has initiated informal discussions with the Department of Corrections with respect to this application. It is too early to predict an outcome, but our goal is to resolve the conflict without further administrative or judicial action. We will keep you apprised of those efforts. If the

MICROFILMED

OCT 27 1998

Mr. Gary Spackman
July 31, 1998
Page 2

Department of Corrections is amenable, perhaps it would make sense to hold off scheduling a conference until we have a chance to pursue these discussions further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris H. Meyer', with a stylized flourish at the end.

Christopher H. Meyer

cc: Merlyn Clark
Richard Burleigh
Edward Squires

CHM:baf

S:\Clients\30\89\Corr\1998-07-31 CHM Ltr to G.Spackman - Re renewal of protest.wpd

MICROFILMED

OCT 27 1998

MEMORANDUM

TO: GARY SPACKMAN AND NORM YOUNG

FROM: STEVE LESTER *SL*

DATE: JULY 30, 1998

RE: DEPT. OF CORRECTIONS APPLICATIONS

This memo serves to clarify to newest action by the Dept. of Corrections (IDOC) in anticipation of requests for immediate pumping for construction work. The applicant will be forwarding a letter very soon requesting immediate authorization for the uses proposed in these two filings. Also note that IDOC, or at least Pat Donaldson's office, is in the midst of relocating to the Syringa Bank building. Attached is an original application for a temporary right plus a copy of a transfer application, both for the new prison project. The temporary right is forwarded for your consideration while the transfer will be advertised as soon as possible unless something occurs to prevent that.

IDOC needs water for new prison construction while amended application 63-12296 is being considered for approval. That application proposes two new wells in E 1/2 NE 1/4 Section 32 for the new prison in the same tracts. If the new wells are authorized to be drilled and used right away in 63-12296, the temporary right plus the transfer application will not be needed.

A higher quality water than normally found in irrigation wells is needed for some of the construction work. Therefore, a temporary right from existing IDOC Well #3 is requested. This will provide not more than 10,000 gallons/day.

The transfer, also conceived as a temporary measure, to change part of the irrigation in 63-03445 will provide up to 500,000 gallons/day via existing IDOC Well #5 for the other construction needs. Pat acknowledged that this is a lot of water for such work. A large quantity is anticipated in the early phases of construction with a significantly diminished amount needed as time goes by.

It appears that the temporary appropriation can be approved without delay. The transfer is another matter. See the attached diagrams for "before and after" comparisons of right 63-03445. The right was licensed for Well #2 for 237 acres in Section 32. Seventy-eight acres are proposed to be retired, providing up to 1.56 cfs / 351 afa for construction purposes (labeled as "domestic" in the transfer for lack of a better term and to be consistent with the proposed use in 63-12296).

Information has not been provided to compute the total volume of water to be diverted and/or consumed in the construction process. Consider the following:

500,000 gpd = 1.53 af/day

78 acres to be retired includes up to 351 afa

351 af / 1.53 af/day = 229 days of non-irrigation use possible.

*UPDATE - 566 updated review memo
in xfer file for latest
xfer info - SL*

MICROFILMED
OCT 27 1998 8/18/98

IDOC Applications
July 30, 1998
Page 2

It is hard to imagine that construction use will be more consumptive than irrigation use. It appears that an expansion will not occur during the construction process while 63-12296 is under consideration. Note that IDWR's 1994 I-R photo and SRBA field work confirm irrigation in the current P/U for the license.

The right is claimed as licensed except that Well #5 has been included. Ron Howerton's SRBA field findings (his excellent draft of conclusions, maps etc. is available at Western) found a PPOU for this license, license 63-08088 and expansion claim A63-30296. While it is possible to base the transfer on the draft PPOU recommendation, the SRBA claims have not been amended yet to reflect that.

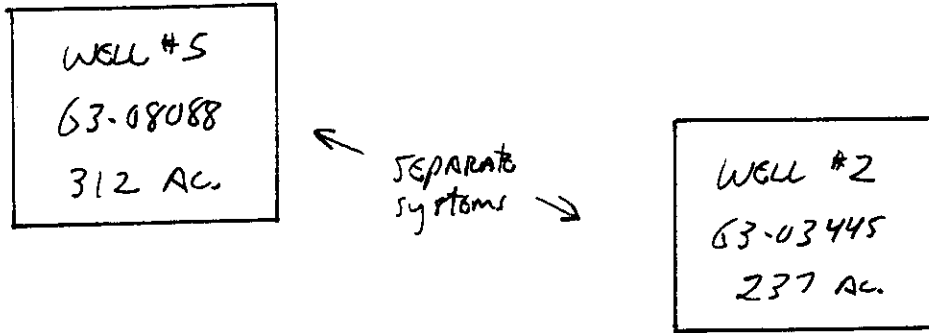
I think it is less cumbersome to base the transfer on the licensed right but include Well #5 for this temporary arrangement. When the dust settles, so to speak, IDOC can consider a more permanent transfer for the 78 ± acre portion of 63-03445. Then new SRBA recommendations can be made to incorporate such actions. It seems premature to get bogged down in the SRBA possibilities at this time.

MICROFILMED
OCT 27 1998

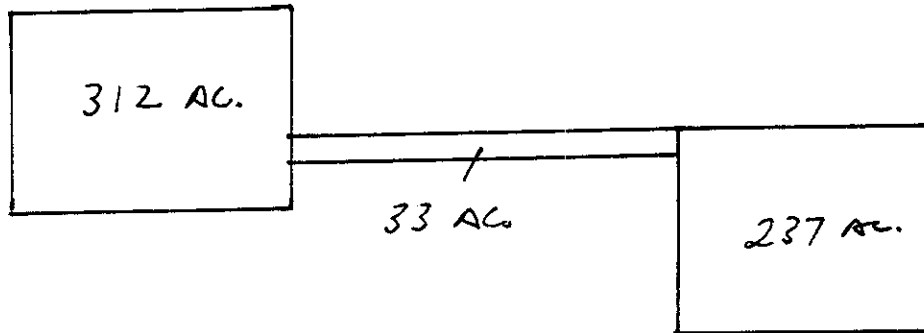
NEW PRISON SITE - "BEFORE & AFTER"

- SR 7/30/88

LICENSED



DRAFT SRBA
FINDINGS



WELLS 2 & 5 integrated

into SR2 parcel where:

63-03445 = 237
63-08088 = 312
63-30296 = 33 (expansion claim)
582

Expansion claim 63-30296 may replace lapsol

→ permit (issued for "fill-in" development associated with existing prison) if claim upheld in SRBA.

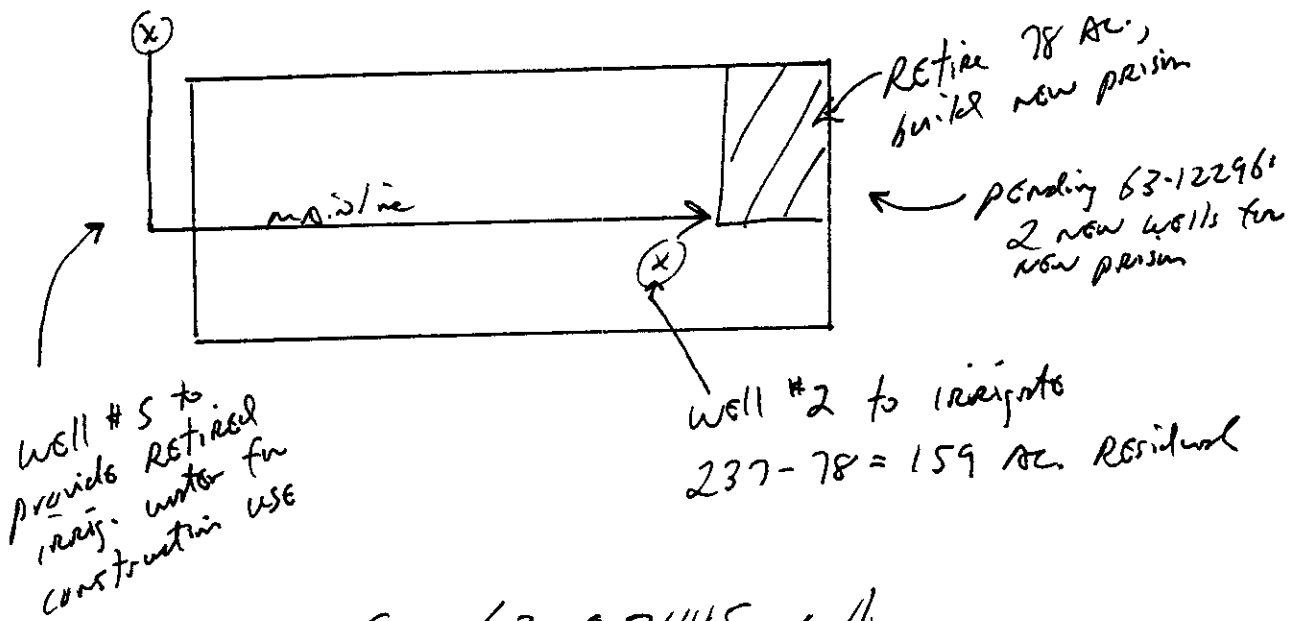
63-12297
(for development
to 11/1987)

diagrams are for illustration purposes - do not represent actual shapes of integrated parcels.

MICROFILMED

OCT 27 1998 182

PROPOSED TRANSFER



— for 63-03445 only —

Temporary transfer to provide construction water from well #5 while 63-12296 pending.
 Later - consider transfer water from c 78 ac. irrig. to some other use(s) maybe needed at existing prison?

RESULTING IN NEW DRAFT SRBA Findings

PPUR w/ 2 wells:

582 acres mines
 78 acres (to be relocated elsewhere for long term needs?)

AMEND CLAIMS A63-03445, A63-08088 & A63-30296
 AS 186060 FOR WELLS 2+5 MICROFILMED
 Residual PPUR, irrigation use OCT 27 1998

AS 2 of 2

RECEIVED

JUL 27 1998

WATER RESOURCES
WESTERN REGIONThe Idaho
Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Amount Due

\$70.32

Account Number/Trans. #

Identification

047628

NOTICE OF AMENDED APPLICATION FOR PERMIT

Ordered By

P.O. Number

Rate

Run Dates

SUE
TAYLOR

NT

JULY 16, 23, 1998

IDAHO DEPT. OF WATER RESOURCES WEST
2735 AIRPORT WAY
BOISE, IDAHO 83705

Estimated Inches

Real Inches

Affidavits

Legal Number

1

1802

LEGAL NOTICE

NOTICE OF AMENDED
APPLICATION FOR PERMIT

Notice is given that IDAHO DEPT. OF CORRECTIONS of Statehouse, Boise ID 83720 applied for an Application for Permit on 12/7/1995 that is now amended. The original application was advertised on 6/18 & 6/25/1998 in Ada County as follows (all sections in this notice are in T2N R2E):

#63-12296, ground water, 3.54 cfs for domestic use & 1.68 cfs for irrigation use, total 5.22 cfs. Divert from 3 existing wells (at existing prison) in S 1/2 of S27 & NWNE S33. Proposed use is for new prison & 84 acres of irrigation associated with new prison in portions of S27, 28 & 34. Proposed water bearing zone to be appropriated is 550-750 feet. Applicant seeks waiver of local moratorium based on public interest criteria.

AMENDED APPLICATION

Amended filing involves just S32 for a new prison complex. Drill 2 new wells in NENE & SENE. Domestic use is for 4.23 cfs, which includes the prison site in NENE & SENE plus land application in NW 1/4 of waste water from the prison. Use .90 cfs to irrigate 45 acres, including 5 acres at the prison site & 40 acres in NW 1/4. Total amount of water reduced to 5.00 cfs. Water bearing zone remains the same. New wells will not serve the existing prison, and existing prison wells will not serve the new site. Local moratorium waiver is still requested. Applicant agrees to mitigate consumptive use in the future as needed.

The permit 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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 together with a protest fee of \$25.00 on or before August 3, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub. July 16, 23, 1998

1802

JANICE HILDRETH

being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly

single

consecutive daily

odd skip

insertion(s) beginning with the issue of

JULY 16

1998

and ending with the issue of

JULY 23

1998

Janice Hildreth

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 23RD day of JULY in the year of 1998, before me, a Notary Public, personally appeared JANICE HILDRETH known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

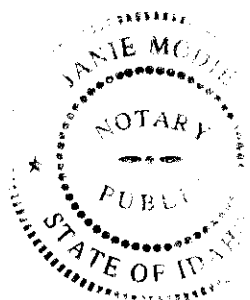
Notary Public for Idaho

Residing at:

Boise, Idaho

My commission expires:

0703





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

July 14, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STATE OF IDAHO
DEPARTMENT OF CORRECTIONS
STATEHOUSE
BOISE ID 83720

Re: Application for Permit No. 63-12296

Dear Applicant:

Enclosed is a protest filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestants and attempt to resolve the protests.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for a conference. The following are the criteria the Department must consider (per Section 42-203A, Idaho Code):

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

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

Sincerely,


Gary Spackman

GS:st

Enclosure: Copy of protest(s)

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OCT 27 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 14, 1998

UNITED WATER IDAHO
C/O CHRISTOPHER H MEYER
PO BOX 2720
BOISE ID 83701

Re: Application for Permit No. 63-12296 in the Name of the State of Idaho,
Department of Corrections

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. Enclosed is a copy of an amended application for permit in the above-referenced matter. Please review the amended application and if it meets with your approval please complete the enclosed protest withdrawal form and return it to this office. We will consider the amended version of the application protested unless we receive the withdrawal form.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. The following are the criteria the Department must consider in either approving or denying an application or permit (Section 42-203A, Idaho Code):

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

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

Sincerely,


Gary Spackman

GS:st

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OCT 27 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

July 14, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SW ADA CTY ALLIANCE
C/O JOHN C MCCREEDY
JIM JONES & ASSOC
1275 SHORELINE LN
BOISE ID 83702-6870

BETTY BERMENSOLO
1970 S CANONERO WY
BOISE ID 83709

BILL WEGENER
PO BOX 2075
DEL MAR CA 92014

Re: Application for Water Right Permit No. 63-12296 in the Name of Idaho State Department of Corrections

Dear Interested Party:

Enclosed is a copy of the above-referenced application for water right which may be of interest to you.

Please review the application and return any comments you might have.

A protest must be received with a \$25.00 protest fee on or before August 3, 1998. If you do not wish to protest, informal comments should still be submitted by the end of the protest period.

Sincerely,

Gary Spackman

GS:st

Encl.

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OCT 27 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 14, 1998

ID DEPT OF HEALTH & WELFARE
DIV OF ENV QUALITY
BOISE REGIONAL OFFICE
PO BOX 83720
BOISE ID 83706

Re: Application for Permit No. 63-12296 in the Name of Idaho State Department of Corrections

Dear Sir:

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 your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by August 3, 1998.

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

Sincerely,

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

Gary Spackman

GS:st

Encl.

MICROFILMED

OCT 27 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 8, 1998

JANICE HILDRETH
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated. 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. Your cooperation is appreciated.

Please send the affidavits of publication and publication billing to this office before
AUGUST 3, 1998.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue', is written in black ink.

Sue Taylor
Senior Secretary

MICROFILMED

OCT 27 1998

**NOTICE OF AMENDED
APPLICATION FOR PERMIT**

Notice is given that IDAHO DEPT. OF CORRECTIONS of Statehouse, Boise ID 83720 applied for an Application for Permit on 12/7/1995 that is now amended. The original application was advertised on 6/18 & 6/25/1998 in Ada County as follows (all sections in this notice are in T2N R2E):

#63-12296, ground water, 3.54 cfs for domestic use & 1.68 cfs for irrigation use, total 5.22 cfs. Divert from 3 existing wells (at existing prison) in S 1/2 of S27 & NWNE S33. Proposed use is for new prison & 84 acres of irrigation associated with new prison in portions of S27, 28 & 34. Proposed water bearing zone to be appropriated is 550-750 feet. Applicant seeks waiver of local moratorium based on public interest criteria.

AMENDED APPLICATION

Amended filing involves just S32 for a new prison complex. Drill 2 new wells in NENE & SENE. Domestic use is for 4.23 cfs, which includes the prison site in NENE & SENE plus land application in NW 1/4 of waste water from the prison. Use .90 cfs to irrigate 45 acres, including 5 acres at the prison site & 40 acres in NW 1/4. Total amount of water reduced to 5.00 cfs. Water bearing zone remains the same. New wells will not serve the existing prison, and existing prison wells will not serve the new site. Local moratorium waiver is still requested. Applicant agrees to mitigate consumptive use in the future as needed.

The permit 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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 together with a protest fee of \$25.00 on or before August 3, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Idaho Statesman on July 16 and 23, 1998.

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OCT 27 1998

**LEGAL NOTICE
NOTICE OF APPLICATION FOR WATER RIGHT**

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

63-12296

STATE OF IDAHO
DEPT OF CORRECTIONS
STATEHOUSE
BOISE, ID 83720

Source: GROUNDWATER
Diversions Pt: SWSWSW
SESWSW
NWNWNE

Sec 27 T 02N R 02E in ADA County
Sec 27 T 02N R 02E in ADA County
Sec 33 T 02N R 02E in ADA County,

Use: IRRIGATION (1.680 CFS)
DOMESTIC (3.540 CFS)
Total Diversion: (5.220 CFS)

Date Filed: 12/7/1995

In: ADA County
T02N R02E S27
S28

NWSW
SWNE
NESE
SENE

SWSW
SENE
NWSE

SENW
SWSE
NESW
SESE

S34

84.0 ACRES TOTAL

Domestic use is for Idaho State Penitentiary. Water bearing zone to be appropriated is 550 to 750 feet. Application proposes diversion of groundwater from three wells located at the existing state prison. Water will be used to supply domestic water to prisoners at a new prison complex and to irrigate 84 acres of land associated with the new prison. Applicant seeks a waiver of local moratorium asserting water appropriation for a prison is in the public interest

63-12425

BLUE CROSS OF IDAHO
1501 FEDERAL WY
PO BOX 7408
BOISE, ID 83707

Source: GROUNDWATER
Diversions Pt: SENE

Sec 8 T 03N R 01E in ADA County

Use: IRRIGATION (0.300 CFS)
AESTHETIC (0.300 CFS)
AESTHETIC STORAGE (12.00 AF)
DIVERSION TO STORAGE (0.300 CFS)
Total Diversion: (0.300 CFS)

Date Filed: 12/16/1997

In: ADA County
T03N R01E S08

SENE

21.0 ACRES TOTAL

Water bearing zone to be appropriated is 0 to 75 feet. Transfer no. 5281 has been submitted by Settlers Irrigation District as part of applicant's immediate mitigation plan.

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before JULY 6, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Pub. June 18, 25, 1998

1601

*this is ad before amended
& re-advertised.*

- JL 7/8/98

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OCT 27 1998

RECEIVED

JUL 01 1998

WATER RESOURCES
WESTERN REGION

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Amount Due

\$159.75

Account Number/Trans. #

Identification

047628

APPLICATION FOR WATER RIGHTS

Ordered By

P.O. Number

Rate

Run Dates

SUE TAYLOR

NT

JUNE 18, 25, 1998

IDAHO DEPT. OF WATER RESOURCES WEST
2735 AIRPORT WAY
BOISE, IDAHO 83705

Estimated Inches

Real Inches

Affidavits

Legal Number

1

1601

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly single
consecutive daily odd skip

insertion(s) beginning with the issue of
JUNE 18, 1998

and ending with the issue of
JUNE 25, 1998

Janice Hildreth

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

MICROFILMED
OCT 27 1998

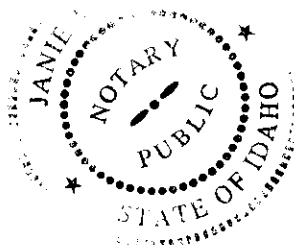
On this 25TH day of JUNE in the year of 1998, before me, a Notary Public, personally appeared JANICE HILDRETH known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho
Residing at:

Boise, Idaho

My commission expires:

9/03



CONVERSATION MEMORANDUM

DATE 7/8/98
FILE 63-12296

NAME OF PARTY

EMPLOYEE

RE: Amended IDOC Appl. - New prison only

Original Appl = Existing DOC wells for growth & existing prison. Sections 27, 28, 33 & 34.

Amended Appl = 2 New wells just for new prison site all in S. 32.

NO P/D overlap.

P/W - E¹/₂ NE¹/₄ & N¹/₂ NW¹/₄ now irrig per existing prison wells # 2 & 5.

- new prison bldgs will dry up almost all acres in E¹/₂ NE¹/₄, but leave c 5 ac. irrig inside prison complex.
- land appl. wants water from new prison to acres in NW¹/₄.
- perhaps irrigate up to 40 acres (direct diversion from new wells) in land Appl. boundary.
- appears existing irrigation from DOC wells #2 & 5 will decrease to be replaced (is prob at least) by some irrig. from 2 new wells.

OPTION - can file transfer to change some irrig use to dom. use [(A) 63-03445 & A63-30296]. If c 78-5 ac. (or the existing use minus 5 ac. to be irrig. & bldg. in NW¹/₄), could free up 73 ac. of water for new-irrig use.

$$\begin{aligned} 73 \times .02 &= 1.46 \text{ cfs} \\ 73 \times 4.5 &= 328.5 \text{ AFA div. wt.} \\ 3.5 &= 255.5 \text{ AFA cons. wt.} \end{aligned}$$

OCT 27 1998

- OVERLAP Summary -

MICROFILMED

Ps 2 of 2

CONVERSATION MEMORANDUM

DATE 7/8/98
FILE 63-12296

NAME OF PARTY _____

EMPLOYEE _____

RE: _____

Applicant selected Amended Appl. for permit as quickest route to get work answer to move this process along

Might fish transfer list to replace some of the new right with older priority?

Should new right approval be conditional on DOC completing a transfer to minimize new withdrawal from aquifer? Should this requirement be linked to public interest criteria in evaluating 63-12296?

MICROFILMED

OCT 29 1998

Shap
Summary (continued)

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
6312296	T02N R02E S32 GROUNDWATER																	
			02			03		40	40	40	40							165
6303445	GROUNDWATE :	39				39					40	40			39	40		237
A6303445	GROUNDWATE :	39				39					40	40			39	40		237
6309242	GROUNDWATE :												20					20
A6330296	GROUNDWATE :	39	39			39		39	39		40	40			39	39		353

Same lands as new appl.

(A) 63-03445 } Doc wells 2 & 5
A63-30296 } in JESSE S. 30
NESC (or NWS62) S. 32

See 7/8/98 overlap summary bottom of pg 1 :
then pg 2 for ideas & transfer.

no pld overlap per WRQ5
AJQ5

MICROFILMED
OCT 27 1998

WR

SD-0604-2 Township: 02N				Range: 02E	Section: 32	Tract:		Lot:	
S	L	Water Right No.	Name Last, First	O	W	S	Max # Records	13	
E	O			N	AC	T	Priority	Use	
L	Tract	T				G	Date	Code	Desc

↑	NENE	63-12296	STATE OF IDAHO	C	2	A	12/07/1995	01	IRR
								43	DOMEST
	NENE	63-03445	IDAHO STATE PENITENTIA	C	39	L	04/16/1965	01	IRR
	SENE	63-12296	STATE OF IDAHO	C	3	A	12/07/1995	01	IRR
								43	DOMEST
	SENE	63-03445	IDAHO STATE PENITENTIA	C	39	L	04/16/1965	01	IRR
	NENW	63-12296	STATE OF IDAHO	C	40	A	12/07/1995	01	IRR
								43	DOMEST
	NWNW	63-12296	STATE OF IDAHO	C	40	A	12/07/1995	01	IRR
								43	DOMEST
	SWNW	63-12296	STATE OF IDAHO	C	40	A	12/07/1995	01	IRR
								43	DOMEST
	SENW	63-12296	STATE OF IDAHO	C	40	A	12/07/1995	01	IRR
								43	DOMEST
	NESW	63-03445	IDAHO STATE PENITENTIA	C	40	L	04/16/1965	01	IRR
	NWSW	63-03445	IDAHO STATE PENITENTIA	C	40	L	04/16/1965	01	IRR

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

63-12296 as amended per 7/7/98 info
is shown

AJ

SD-0604-2 Township: 02N				Range: 02E	Section: 32	Tract:		Lot:	
S	L	Water Right No.	Name Last, First	O	W	S	Max # Records	15	
E	O			N	AC	T	Priority	Use	
L	Tract	T				G	Date	Code	Desc

↑	NENE	A63-30296	STATE OF IDAHO	C	39	J	03/15/1977	01	IRR
			CORRECTIONS	K					
	NENE	A63-03445	STATE OF IDAHO	C	39	L	04/16/1965	01	IRR
			CORRECTIONS	K					
	NWNE	A63-30296	IDAHO STATE PENITENTIA	O					
			STATE OF IDAHO	C	39	J	03/15/1977	01	IRR
			CORRECTIONS	K					
	SENE	A63-30296	STATE OF IDAHO	C	39	J	03/15/1977	01	IRR
			CORRECTIONS	K					
	SENE	A63-03445	STATE OF IDAHO	C	39	L	04/16/1965	01	IRR
			CORRECTIONS	K					
	NENW	A63-30296	IDAHO STATE PENITENTIA	O					
			STATE OF IDAHO	C	39	J	03/15/1977	01	IRR
			CORRECTIONS	K					
	NWNW	A63-30296	STATE OF IDAHO	C	39	J	03/15/1977	01	IRR
			CORRECTIONS	K					

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

if after (pld, n/a, seasm?) in
E 1/2 NE 1/4 & NW 1/4,
only involves 63-03445 &
A63-30296

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OCT 27 1998

P/L overlap
N 1/2 S. 32

WR5800NP
No. 63-12296

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/07/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO	12/07/1995	IRRIGATION	03/15 11/15	1.680 CFS	
			DOMESTIC	01/01 12/31	3.540 CFS	
TOTAL DIVERSION:					5.220 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: APPLICATION

Point(s) of Diversion:

T02N R02E S27
S33

SWSWSW
NWNWNE

SESWE

ADA County
ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
02N	02E	27	:											05	10					15.0
02N	02E	28	:			03	01				02		05			05	10	01	10	37.0
02N	02E	34	:				32													32.0
TOTAL ACRES																			84.0	

Place of use Legal Description for: DOMESTIC

02N	02E	27	:											D	D					
02N	02E	28	:			D	D				D		D			D	D	D	D	

Pou County: ADA

Remarks:

GEN

Domestic use is for Idaho State Penitentiary.
Water bearing zone to be appropriated is 550 to 750 feet.
Application proposes diversion of groundwater from three wells
located at the existing state prison. Water will be used to
supply domestic water to prisoners at a new prison complex
and to irrigate 84 acres of land associated with the new prison.
Applicant seeks a waiver of local moratorium asserting water
appropriation for a prison is in the public interest.

Dates: App. Received: 12/07/1995 Priority Date: 12/07/1995
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 12/07/1995 User-ID: RHOWERTO Subject: Future Growth
This application is intended to cover future growth.
Domestic water use based upon additional persons in the next five

Appl. as originally filed 12/12/1995
OCT 27 1998

Wells 3, 4 & 6
for growth not
covered w/ other
filings

Comments: Date: 12/07/1995 User-ID: RHOWERTO Subject: Future Growth
years.
Total population for the year 2000 is 3000 inmates and 700 staff.

Date: 12/07/1995 User-ID: RHOWERTO Subject: DOC Wells
DOC wells 3 & 4 are connected now and well 4 is a back-up well
for well 3.
DOC well 6 exists and will be interconnected as part of the plan
for growth.

Date: 12/08/1995 User-ID: SLESTER Subject: PROCESSING DELAY, FEE & OVERLAP
Application processing delayed pending backlog reduction.
Purchase Order submitted with filing, date of priority to be
determined per follow-up with correct payment (fee is \$200).
Application related to pre-1987 development (appl. 63-12297) plus
SRBA claims A63-30296 through A63-30298 (& perhaps others?).
Large Div. info solicited from applicant & response in process.
Water bearing zone assumed per 2 well logs in IDWR records: well
#3 and well #4; no log found for well #6.

Audit: 12/07/95 RHOWERTO 12/08/95 SLESTER 06/11/98 LGRAVES 06/11/98 STAYLOR

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OCT 27 1998

AJ5800WP
No. A63-03271

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/07/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO	01/02/1962	IRRIGATION	03-15 11-15	2.92 CFS	
TOTAL DIVERSION:					2.92 CFS	
CONSUMPTIVE USE:						684.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T02N R02E S27

NESE

ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
02N	02E	21	:												15	:				15.0
02N	02E	27	:							30	25	:	12			:	05	22		94.0
02N	02E	28	:	20	34		12	:	31	22		:				:				119.0
																			TOTAL ACRES	228.0

POU County: ADA

Non-Irrigation Uses: NONE

Other Rights: 63-07025

Remarks: GEN STATE PENITENTIARY WELL #1

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

SRBA

claims
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OCT 27 1998

D.O.C. Wells # 1-5

AJ5809NP
No. A63-03445

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/07/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO	04/16/1965	IRRIGATION	03-15 11-15	4.74 CFS	1066.50 AFA
TOTAL DIVERSION:					4.74 CFS	1066.50 AFA
CONSUMPTIVE USE:						711.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T02N R02E S30
S32

NESESE
NESE

ADA County
ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
---	---	---	---	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	---
02N	02E	32	:	39			39	:					:	40	40			:	39	40					:	237.0
																							TOTAL ACRES	237.0		

POU County: ADA

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: GEN STATE PENITENTIARY WELLS #2 AND #5

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag: C

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OCT 27 1998

AJ5889NP
No. A63-03487

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/07/98
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO	01/20/1966	IRRIGATION	03-15 11-15	2.80 CFS	630.00 AFA
			DOMESTIC	01-01 12-31	5.40 CFS	1971.00 AFA
			FIRE PROTECTION	01-01 12-31	5.40 CFS	
TOTAL DIVERSION:					5.40 CFS	2601.00 AFA
CONSUMPTIVE USE:						420.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02N R02E S27 SWSWSW SESWSE

ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		SUM
02N	02E	33	:	35	35	35	35	:								140.0
TOTAL ACRES															140.0	

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		
02N	02E	27	:					:	D			D				
02N	02E	28	:			D	D	:	D	D			D	D	D	

Place of use location for FIRE PROTECTION is the same location as described for: DOMESTIC

POU County: ADA

Non-Irrigation Uses: D/PENITENTIARY USE, F/PENITENTIARY USE

Other Rights: 63-07025

Remarks: GEN STATE PENITENTIARY WELL #3 & #4.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

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OCT 27 1998

A15809NP
No. A63-07025

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/07/98
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY	WATER USE	USE PERIOD		DIVERSION	DIVERSION
		DATE		FROM	TO	RATE	VOLUME
C	STATE OF IDAHO	09/22/1967	IRRIGATION	03-15	11-15	3.38 CFS	1184.80 AFA
			DOMESTIC	01-01	12-31	0.50 CFS	67.20 AFA
			FIRE PROTECTION	01-01	12-31	0.50 CFS	
			TOTAL DIVERSION:			3.38 CFS	1252.00 AFA
			CONSUMPTIVE USE:				792.00 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE
Point(s) of Diversion: T02N R02E S27 SESWSE ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																
		NENE	NWNE	SWNE	SENE	:		NENW	NWNW	SWNW	SENW	:		NESW	NWSW	SWSW	SESW	:		NESE	NWSE	SWSE	SESE	:				
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---			---			---			---			:	---			---			---			:	---			:	---	
02N	02E	27	:							22	05	:		04	01					:							:	32.0
02N	02E	28	:						15	09		:								:							:	31.0
02N	02E	33	:			40		39				:								:							:	79.0
02N	02E	34	:		40				40	40	02	:								:							:	122.0
TOTAL ACRES																										264.0		

Place of use Legal Description for: DOMESTIC

NE								NW				SW				SE						
		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	
02N	02E	27	:				:				:		D	D	:						:	
02N	02E	28	:		D	D	:		D	D	:	D	D	D	D	:	D	D	D	D	:	

Place of use location for FIRE PROTECTION is the same location as described for: DOMESTIC

POU County: ADA
Non-Irrigation Uses: D/PENITENTIARY USE, F/PENITENTIARY USE
Other Rights: 63-03487, 63-03271

Conditions of Approval:
R32 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.5 afa per acre for
- irrigation of the lands above.

Remarks: GEN STATE PENITENTIARY WELL #4

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: Field Inspection Flag: Presumption Flag:
OCT 27 1998

A15800NP
No. A63-08088

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/07/98
PAGE: 5

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO	02/27/1975	IRRIGATION	04-01 11-01	4.80 CFS	1404.00 AFA
TOTAL DIVERSION:					4.80 CFS	1404.00 AFA
CONSUMPTIVE USE:						936.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T02N R02E S30
S32

NESESE
NESE

ADA County
ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
02N	02E	29	:					:					:		23	40	20	:	30	10	15	40	:	178.0	
02N	02E	30	:					:					:				40	:	14		40	40	:	134.0	
																						TOTAL ACRES			312.0

POU County: ADA

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: GEN STATE PENITENTIARY WELLS #2 AND #5

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag: C

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OCT 27 1998

A15800NP
No. A63-30296

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/07/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO	03/15/1977	IRRIGATION	03-15 11-15	0.54 CFS	
TOTAL DIVERSION:					0.54 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T02N R02E S30
S32

SESE
NWSE

ADA County
ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				SUM
T	R	S		T	R	S		T	R	S		T	R	S		
: Lt Ac Lt Ac Lt Ac Lt Ac				: Lt Ac Lt Ac Lt Ac Lt Ac				: Lt Ac Lt Ac Lt Ac Lt Ac				: Lt Ac Lt Ac Lt Ac Lt Ac				
02N	02E	29	:				:			20	39	05	:			64.5
02N	02E	30	:				:					40	:	24	39 38	141.1
02N	02E	31	:	23			:						:			23.2
02N	02E	32	:	39	39	39	:	39	39				:	39	39	353.2
															TOTAL ACRES	582.0

POU County: ADA

Non-Irrigation Uses: NONE

Other Rights: A63-03445 & A63-08088

Remarks: GEN THIS CLAIM IS AN EXPANSION CLAIM, FOR LICENSED RIGHTS & CLAIMS
A63-03445 & A63-08088.
PERMISSIBLE POU.
FEE PAID UNDER BILL #1480, PAYMENT WAS MADE ON DECEMBER 20, 1995.
PURCHASE ORDERS RECEIVED NOVEMBER 27, 1995.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	Presumption Flag:

Wells 2 + 5

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OCT 27 1998

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO	08/01/1977	DOMESTIC	01-01 12-31	0.04 CFS	
TOTAL DIVERSION:					0.04 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T02N R02E S27

SWSWSW

SESWSE

ADA County

Place of use Legal Description for: DOMESTIC

NE

NW

SW

SE

NE NW
NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE :
Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac :

T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:		:
--	--	--	:	-----								:	-----								:	-----						:	-----						:	D	:
02N	02E	27	:									:									:						:							:		:	

POU County: ADA

Non-Irrigation Uses: DOMESTIC USE IS MEAT PACKING PLANT

Other Rights: NONE

Remarks: GEN FEE PAID UNDER BILL #1480, PAYMENT WAS MADE ON DECEMBER 20, 1995.
PURCHASE ORDERS RECEIVED NOVEMBER 27, 1995.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Wells 3+4

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OCT 27 1998

AJ5800ND
No. A63-30298

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/07/98
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY	WATER USE	USE PERIOD		DIVERSION	DIVERSION
		DATE		FROM	TO	RATE	VOLUME
C	STATE OF IDAHO	08/01/1977	STOCKWATER	01-01	12-31	0.24 CFS	
TOTAL DIVERSION:						0.24 CFS	

Water Source: GROUNDWATER Tributary to: Stage: BENEFICIAL USE
Point(s) of Diversion: T02N R02E S27 SWSWSW SESWSE ADA County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
02N	02E	29	:												

POU County: ADA
Non-Irrigation Uses: STOCKWATER, 140 HD DAIRY, 530 HD NON-DAIRY & DAIRY BARN USE
Other Rights: NONE

Remarks: GEN FEE PAID UNDER BILL #1480, PAYMENT WAS MADE ON DECEMBER 20, 1995.
PURCHASE ORDERS RECEIVED NOVEMBER 27, 1995.

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Wells 3+4

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OCT 27 1998

Post-It® Fax Note	7671	Date	7/1/98	# of pages	1
To	Steve Lester	From	For Donaldson		
Co./Dept.	DWR	Co.	IDOC		
Phone #		Phone #	332-8294		
Fax #	334-2348	Fax #			

RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

Name of Applicant State of Idaho
Dept. of Corrections

Mailing Address Amelance
Boise ID 83720

Application No. 63-12296 (amended)

Mitigation

Yes, I agree to accept a condition of approval on my application that will require mitigation related to fishery resources based upon a finding by the Director, Idaho Dept. of Water Resources. I understand that mitigation is not needed now but may be needed in the future. I also understand that the Director will not invoke this condition until I have an opportunity to participate in the process by which mitigation is identified and quantified.

Signature

Date


7/8/98

Please return this form to:

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

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OCT 27 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

✓
FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 7/8/98

TO: Pat Donaldson
IDOC
fax 334-3635

FROM: Steve Lester

DOCUMENT DESCRIPTION: "Response Form" for Appl. 63-12296
for new permit. To process any new thing with
consumptive use involved, have had to add this step.
was overlooked last month in processing & I forgot
about it yesterday in our discussions.

TOTAL PAGES SENT: 01 + COVER SHEET

CONTACT: _____

Please let me know if you have any questions
e this - it is a standard step that has been
in use for awhile in order to allow processing
to continue.

MICROFILMED

OCT 27 1998
1895-1998

CONVERSATION MEMORANDUM

DATE 7/7/98

FILE 63-12296

NAME OF PARTY Pat Donaldson / Bonnie Stavin

EMPLOYEE R

RE: NEW PRISON & existing prison (STATE PEN.)

Considerable discussion of existing pen. & planned private prison in Boise.

Concluded:

- 1) Amend 63-12296 to cover 2 new wells for new prison site, include 5 ac. landscape irrig & site, 40 ac. irrig in NW^{1/4} (rotation or "POM"), land apply waste water in NW^{1/4}, 2 phase construction where max buildout is 3000 beds (not sure max staff, can vary w economy of scale).
Total flow ok.

Question - should domestic include land appl. Q&A" as have done w interim policy on existing rights?

- water bearing zone assumed same?

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Would like to advertise amended version ASAP

DEC 27 1998

- 2) Existing prison/wells - work on re-estate (or replacement Appl.) 63-12297 which covered user by 11/1987 in excess of STAGA claims. Consider new Appl. for growth (not sure of details yet) & existing prison once figure out some details.

7/7/98

Per office visit (see conv. memo)

STATE OF IDAHO
DEPARTMENT OF
CORRECTION

PLANNING & BUILDING
OPERATIONS

PAT DONALDSON
CONSTRUCTION SUPERVISOR

3268 ELDER STREET
BOISE, ID 83705
FAX: (208) ~~684-2400~~
334-8635

PAGER (208) ~~387-9230~~
PHONE: (208) ~~337-2048~~
332-8294



Constructors
A Jacobs Company

Bonnie Slavin
Project Manager

CRSS Constructors, Inc.
2590 Venture Oaks Way, Suite 125
Sacramento, California 95833
916 929 9055 FAX 916 929 3267
Pager 1 800 605 9413
E-Mail bonnie.slavin@jacobs.com

Member of The Jacobs Engineering Group of Companies
People achieving unequalled solutions...

Bonnie called Inter-
1 of 2 new wells also to
be replacement p/d for 1+
right injected from from
existing well to south in
S. 32 - so need transfer
for that also.

63-12296

63-12297
MICROFILMED

OCT 27 1998

CONVERSATION MEMORANDUM

DATE 7/2/98

FILE 63-12296

NAME OF PARTY Pst Ponslehn D.O.C. 332-8294

EMPLOYEE Se

RE: Appointment

Tues. 10:30 7/7 to discuss

post 1987 use e existing prison (this
is what 63-12296 was filed for)?

NEW prison re priv. contractor - does
another Appl. need to be filed?

Said Ed King has been in charge of this
for D.O.C. ~~it was strange~~ -
Pst is working with Ed on this

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JUN 30 1998

WATER RESOURCES
WESTERN REGION

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

1. Matter being protested **Department of Corrections Application No. 63-12296**
 2. Name of protestant **United Water Idaho**
 3. Protestant's representative for service (if different than protestant)
Christopher H. Meyer, Esq., Givens Pursley LLP
 4. Service mailing address **P.O. Box 2720, Boise, Idaho 83701**
 5. Service telephone no. **208-388-1236**
 6. Basis of protest (including statement of facts and law upon which the protest is based)
See attached letter.
- (additional pages may be attached to describe the name of the protest)
7. What would resolve your protest? **See attached letter.**

(additional pages may be attached to describe the name of the protest)

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

Signed this 30th day of June, 19 98

UNITED WATER IDAHO

PROTESTANT

Christopher H. Kelley
PROTESTANT'S REPRESENTATIVE

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OCT 27 1998

NOTE:

- a) Not more than two (2) representatives for service of documents may be designated on a protest. If this protest is signed by more than one person without identifying the representative(s) for service of documents, the hearing officer may select the person(s) upon whom documents will be served.
 - b) A protestant is required to timely file a protest with the department together with a \$25.00 protest fee in order for the protest to be considered by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.
-

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief sought by the protestant.
-

FOR DEPARTMENT USE ONLYReceived by AtDate 6-30-98Time 4:50 pm\$25.00 fee Receipted by At# W024083Date 6-30-98MICROFILMED
OCT 27 1998

GIVENS PURSLEY LLP

277 No. 6TH STREET • SUITE 200
P.O. Box 2720 • BOISE, IDAHO 83701

(208) 388-1200

FACSIMILE (208) 388-1201

E-MAIL: info@givenspursley.com

DIRECT DIAL: (208) 388-1236

EMAIL: chm@givenspursley.com

GARY G. ALLEN
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
THOMAS E. DVORAK
ROY LEWIS EIGUREN
JEFFREY C. FEREDAY
L. W. GRANT III
RICHARD W. JANKOWSKI
KARL T. KLEIN
DAVID R. LOMBARDI
KIMBERLY D. MALONEY
KENNETH R. MCCLURE
CHRISTOPHER H. MEYER
L. EDWARD MILLER
PATRICK J. MILLER

JUDSON B. MONTGOMERY
TERRY L. MYERS
RAMONA S. NEAL
AARON H. NEMEC
STEVEN L. OLSEN
W. HUGH O'RIORDAN
KENNETH L. PURSLEY
GREGORY J. VIETZ
CONLEY WARD
STEVEN R. WEEKS
STEPHANIE C. WESTERMEIER

RAYMOND D. GIVENS
JAMES A. MCCLURE
OF COUNSEL

June 30, 1998

Mr. Gary Spackman
Regional Manager
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Department of Corrections Application No. 63-12296
United Water Idaho Application Nos. 63-12043, 63-12138, 63-12139

Dear Gary:

I am writing on behalf of my client, United Water Idaho ("UWID") to lodge a protest of the application for water right No. 63-12296 filed by the State of Idaho, Department of Corrections ("prison water right"). This protest is filed pursuant to Idaho Code § 42-203A and is accompanied by the appropriate filing fee.

This protest is prompted largely by concerns relating to UWID's own pending applications to amend Permit Nos. 63-12043, 63-12138, 63-12139 for four wells along Tenmile Ridge. These four wells (Tenmile Well, Raptor Well, Pleasant Valley Well, and Pioneer Well) are referred to collectively as the "Tenmile Ridge wells," and the three permits as the "Tenmile Ridge water rights."¹

This well field was constructed by UWID in response to water level declines in the Southeast Boise Ground Water Management Area. As part of a collective effort to solve management problems, UWID agreed, prior to the imposition of the moratorium, to stop pumping its Oregon Trail and Gowen wells. This, in turn, entailed replacing that water

¹On occasion, these wells have been referred to as the "pipeline wells" or the "South Boise wells." UWID prefers the more descriptive "Tenmile Ridge wells."

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OCT 27 1998

Mr. Gary Spackman
June 30, 1998
Page 2

with water from new wells along Tenmile Ridge. As these wells were drilled pursuant to this cooperative agreement, they were subjected to the moratorium restrictions. UWID accepted these restrictions on the understanding that they were temporary and would be lifted as soon as conditions permitted.

In the intervening years, UWID has been subjected not only to additional pumping and administrative costs, but has lost opportunities to serve additional customers. Ironically, one of those potential customers is the new prison—the beneficiary of the pending water right application No. 63-12296. Prison officials contacted UWID seeking water service for the proposed new prison. At the time, the Department advised UWID that it could not serve the prison due to the moratorium restrictions in effect on the Tenmile Ridge water rights. Accordingly, UWID was obligated to decline the offer to serve.

UWID has cooperated fully with the Department in addressing legitimate ground water concerns in Southeast and South Boise Valley. Even where the Department's authority to impose conditions might have been challenged, UWID has played by the rules set down by the Department. Having done so, it is essential that UWID not now be made effectively junior to other water users who have filed applications subsequent to UWID's Tenmile Ridge water rights.

In separate applications now pending before the Department, UWID has requested that the moratorium conditions be removed from the water rights for the Tenmile Ridge wells. It is UWID's position that this may be accomplished without enlargement, and that no adjustment in the priority date is appropriate. Should the Department fail to grant UWID's request for release from the moratorium conditions with no adjustment to priority dates, UWID and its customers will suffer substantial injury should the prison water right be granted senior priority vis-a-vis UWID's rights.

In support of its protest, UWID notes the following legal bases for denial of the prison water right application. The quotations in the paragraphs below refer to Idaho Code § 42-203A(5). UWID reserves the right to raise additional objections and to identify further bases for this protest, as they become known.

1. The prison water right "will reduce the quantity of water under existing water rights." Conditions which have the effect of allowing the prison water right to take priority ahead of UWID's Tenmile Ridge rights will reduce the water available to UWID customers.

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JUL 27 1998

2. "[T]he water supply itself is insufficient for the purpose for which it is sought to be appropriated." The tight water conditions in the Southeast Boise area are well known to the Department and are reflected in the moratorium special attention accorded the Southeast Boise Ground Water Management Area.
3. The application "is not made in good faith, is made for delay or speculative purposes" in that the water right will not be used by the applicant Department of Corrections, but is held for the benefit of an unnamed private corporation.
4. In light of the fact that the Department of Corrections is not the actual user, but a stand-in for an unnamed private corporation, it has not been demonstrated that the true applicant has "sufficient financial resources" to successfully undertake the proposed project.
5. To the extent that the granting of this application with a water right senior to the Tenmile Ridge water rights or with less restrictive conditions, the granting of such right will undermine the ability of UWID to serve municipal uses recognized by the State of Idaho through the Public Utilities Commission and "will conflict with the local public interest." UWID notes in particular that the prison water right application is premised upon a "public interest" exception to the moratorium. UWID asserts that its use of water is very much in the public interest and compares favorably with the public interest need for the prison water right. This is particularly so given that the prison water right will be used in large part for low preference agricultural purposes.
6. UWID asserts that granting of the prison water right application would be "contrary to the conservation of water resources" because the prison may be served more efficiently by hooking into the municipal water supply system of UWID. As the Department knows, the ground water resources of the Valley is a limited resource subject to ever-increasing demands. Consequently, it is appropriate for the Department to subject to close scrutiny proposals for redundant, independent, non-integrated water supply systems which fail to take advantage of the efficiencies and flexibility afforded under a more centralized system of supply and management.

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OCT 27 1998

Mr. Gary Spackman
June 30, 1998
Page 4

In closing, I wish to thank you and your staff for the opportunity to be heard on this matter. UWID very much appreciates the Department's cooperation in working to resolve ground water concerns in the Valley. We share a common objective in seeking the most efficient and effective management and use of this resource.

Sincerely,



Christopher H. Meyer

Encl: Notice of Protest (form)
Filing Fee (\$25.00)

cc: Norman C. Young, IDWR
Edward Squires, UWID

CHM:baf

S:\Clients\30\82\Corr\1998-06-30 CHM Ltr to G.Spackman - Re protest of Dept of Corrections application.wpd

MICROFILMED
OCT 27 1998

United Water



UNITED WATER IDAHO INC.
MANAGERS FUND ACCOUNT
P.O. BOX 7488
BOISE, IDAHO 83707-1488
PHONE (208) 362-1300

U.S. Bank
Boise, Idaho 83701
92-327 / 1231

CHECK NO. 127684

DATE 6/29/1998

Idaho Department Of Water Resources

AMOUNT **25.00

Twenty-Five and 00/100*****

PAY
TO THE
ORDER
OF

Idaho Department of Water Resources

UNITED WATER IDAHO INC.

Protest Filing Fee 107000-C98A004-0008-090-30310

⑈ 127684 ⑈ ⑆ 123103729⑆ 332 7820 167 ⑈

UNITED WATER IDAHO INC.

Idaho Department Of Water Resources

CHECK NO. 127684
6/29/1998

25.00

UWID Mgr Fund

Protest Filing Fee 107000-C98A004-0008-090-30310

25.00



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 18, 1998

BETTY BERMENSOLO
1970 S CANONERO RD
BOISE ID 83709

Re: Application for Water Right Permit No. 63-12296 in the Name of the Department of Corrections

Dear Interested Party:

Enclosed is a copy of the above-referenced application for water right which may be of interest to you.

Please review the application and return any comments you might have.

A protest must be received with a \$25.00 protest fee on or before July 6, 1998. If you do not wish to protest, informal comments should still be submitted by the end of the protest period.

Sincerely,

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

Gary Spackman

GS:st

Encl.

MICROFILMED

OCT 27 1998



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, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BILL WEGENER
PO BOX 2075
DEL MAR CA 92014

Re: Application for Water Right Permit No. 63-12296 in the Name of the Department of Corrections

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Sincerely,

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

Gary Spackman

GS:st

Encl.

MICROFILMED

OCT 27 1998



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, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SOUTHWEST ADA COUNTY ALLIANCE
C/O JOHN C MCCREEDY
JIM JONES & ASSOC
1275 SHORELINE LN
BOISE ID 83702-6870

Re: Application for Water Right Permit No. 63-12296 in the Name of the Department of Corrections

Dear Interested Party:

Enclosed is a copy of the above-referenced application for water right which may be of interest to you.

Please review the application and return any comments you might have.

A protest must be received with a \$25.00 protest fee on or before July 6, 1998. If you do not wish to protest, informal comments should still be submitted by the end of the protest period.

Sincerely,

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

Gary Spackman

GS:st

Encl.

MICROFILMED

OCT 27 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR



DRAFT

July 7, 1997

Daniel Brown, P.E.
United Water Idaho
P.O. Box 7488
Boise, Idaho 83707-1488

Re: Water Service to Proposed Prison on Pleasant Valley Road

Dear Dan:

Thank you for your letter dated June 27, 1997. I reviewed the files for permit to appropriate water nos. 63-12043, 63-12138, and 63-12139. All of the permits contain the following language:

The domestic use authorized under this permit shall not exceed 13,000 gallons per day per dwelling in accordance with section 42-111, Idaho Code.

Irrigation of large projects such as parks, golf courses or sports activity fields is not authorized under this permit.

Permit nos. 63-12138 and 63-12139 also contain the following conditions:

This permit authorizes irrigation up to one-half acre within each platted subdivision lot upon which a domestic dwelling has been constructed.

The daily diversion for the non-domestic uses authorized under this permit shall not exceed 2,500 gallons per day in accordance with the provisions of §42-111, Idaho Code.

Idaho Code §42-202B states:

(3) "Municipal Purposes" refers to water for residential, commercial, industrial, irrigation of parks and open space, and related purposes, excluding use of water from geothermal sources for heating, which a municipal provider is entitled or obligated to supply to all those users within a service, including those located outside the boundaries of a municipality served by a municipal provider.

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OCT 27 1998

Daniel Brown, United Water
July 7, 1997
Page -2-

DRAFT

As I understand your letter, you are asking the department to determine whether the conditions of the permits will allow delivery of water to a proposed new prison addition near the existing prison facility located near Pleasant Valley Road. You represent that the new prison will house about 3,000 new prisoners consuming approximately 175 gallons per day. You also asked whether the existing water rights will allow the irrigation of some lands at the prison. The conditions contained in permit nos. 63-12138 and 63-12139 limit the use of water pursuant to the permits to the domestic uses as defined by Idaho Code, §42-111. In other words, if the water is delivered to a typical residential dwelling, up to 13,000 gallons per day can be diverted, and up to one-half acre of land can be irrigated. Any other uses by the municipal right holder must be limited to 2,500 gallons per day and 0.04 cfs of water for those uses. I view the prison as being a use that does not qualify as use of water for a traditional residential unit. Idaho Code §42-111(3) prohibits stacking of water rights to deliver more than 2,500 gallons per day.

The conditions contained in permit no. 63-12043 are less restrictive. The language of permit no. 63-12043 permits delivery of water for purposes other than those described in Idaho Code §42-111. Because the use of water in the prison is other than domestic purposes, the use of water under permit no. 63-12043 for the commercial purposes is acceptable.

large Language in ~~the~~ permit no. 63-12043 ^{*prohibits*} ~~limits~~ the irrigation of parks, golf courses, sports activity fields. Some small irrigation of shrubs of a small common area would be allowed under permit no. 63-12043. This small area should not exceed one-half acre of irrigation.

I hope this letter adequately answers your inquiry. I would be happy to discuss this matter with you further.

Sincerely,

Gary Spackman

GS:st

MICROFILMED
OCT 27 1998

United Water



United Water Idaho
8248 West Victory Road
PO Box 7488
Boise, ID 83707-1488
telephone 208-362-1300
facsimile 208-362-1479

June 27, 1997

Mr. Gary Spackman, P.E.
Manager, Western Region
Idaho Department of Water Resources
2435 Airport Way
Boise, Idaho 83705

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JUN 27 1997

**WATER RESOURCES
WESTERN REGION**

Re: Water Service to Proposed Prison on Pleasant Valley Road

Dear Mr. Spackman:

United Water has been approached as to the feasibility of delivering water to the proposed new prison to be located on the west side of Pleasant Valley Road across from the existing prison. This water would be supplied from our Raptor (63-12043), Pleasant Valley (63-12139) and Ten Mile (63-12138) wells, generally located approximately 2.5 miles north of the prison site.

The permits to appropriate water were approved under moratorium conditions as indicated on the attached copies of the permits. It is our position that the water use at the prison would be considered as domestic use and be allowed under these permits. The water use projections indicate 175 gallons per day per bed for up to the design capacity of the prison of 3,000 beds. We characterize this as 3,000 domestic units consuming 175 gallons per day, as compared to the 13,000 gallons per day per dwelling as allowed under the permits. We would also anticipate that one-half acre of irrigation would be allowed.

We are on a short time schedule as the request was only recently received and a response is needed by July 7, 1997. Therefore, it is in our interest to notify the parties by July 7, 1997, that service to the prison meets the requirements of domestic service under the moratorium conditions.

Very truly yours,
UNITED WATER IDAHO

Daniel Brown, P.E.

c: Karl Dreher

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OCT 27 1998

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12043 *Raptor*

Proposed Priority: July 23, 1993

Maximum Diversion Rate:

4.46 CFS

This is to certify, that **BOISE WATER CORPORATION**
PO BOX 7488
BOISE ID 837077488

has applied for a permit to appropriate water from: **GROUNDWATER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

MUNICIPAL	01/01 to 12/31	4.46 CFS
-----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NWNW , Sec. 17, Township 02N, Range 02E
ADA County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1998.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. The issuance of this right in no way grants any right-of-way or easement across the land of another.
6. Place of use is within the city limits of Boise and the surrounding area served by Boise Water Corporation.
7. The domestic use authorized under this permit shall not exceed 13,000 gallons per day per dwelling in accordance with Section 42-111, Idaho Code.
8. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this permit.

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

MICROFILMED
OCT 27 1998

29th day of September, 1993.

[Signature]
for R. Keith Higginson, Director

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12138 *ten mile*

Proposed Priority: August 19, 1994 Maximum Diversion Rate: 3.90 CFS

This is to certify, that **BOISE WATER CORP**
PO BOX 7488
BOISE ID 83707-7488
has applied for a permit to appropriate water from: **GROUNDWATER**
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	3.90 CFS

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 17, Township 02N, Range 02E
ADA County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 2000.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. 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.
5. The issuance of this right in no way grants any right-of-way or easement across the land of another.
6. Place of use is within the city limits of Boise and surrounding service area.
7. The daily diversion volume for the non-domestic uses authorized under this permit shall not exceed 2,500 gallons per day in accordance with the provisions of Section 42-111, Idaho Code.
8. The domestic use authorized under this right shall not exceed 13,000 gallons per day per dwelling in accordance with Section 42-111, Idaho Code.
9. This permit authorizes irrigation of up to 1/2 acre within each platted subdivision lot upon which a domestic dwelling has been constructed.
10. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this permit.

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OCT 27 1998

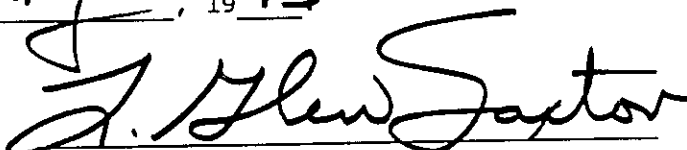
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12138

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

22nd day of February, 19 95



R. Keith Higginson, Director

for

MICROFILMED

OCT 27 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12139 Pleasant Valley

Proposed Priority: August 19, 1994

Maximum Diversion Rate:

4.90 CFS

This is to certify, that **BOISE WATER CORP**
PO BOX 7488
BOISE ID 83707-7488

has applied for a permit to appropriate water from: **GROUNDWATER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MUNICIPAL	01/01 to 12/31	4.90 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 21, Township 02N, Range 02E
ADA County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **March 1, 2000**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. 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.
5. The issuance of this right in no way grants any right-of-way or easement across the land of another.
6. Place of use is within the city limits of Boise and surrounding service area.
7. The daily diversion volume for the non-domestic uses authorized under this permit shall not exceed 2,500 gallons per day in accordance with the provisions of Section 42-111, Idaho Code.
8. The domestic use authorized under this right shall not exceed 13,000 gallons per day per dwelling in accordance with Section 42-111, Idaho Code.
9. This permit authorizes irrigation of up to 1/2 acre within each platted subdivision lot upon which a domestic dwelling has been constructed.
10. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this permit.

MICROFILMED
OCT 27 1998

29 1995

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12139

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

22nd day of February, 1995



R. Keith Higginson, Director

for

MICROFILMED

OCT 27 1998

Req. #
Date
Nov, 22, 95

PURCHASE ORDER

P.O. #
E016-1234
Date
11/27/95

VENDOR: 826000952 D.P. IDaho WATER RESOURCES 2735 AIRPORTWAY BOISE, ID. 83705 (Ron Howerton)	SHIP TO: ISCI Pleasant Valley Rd. P.O. Box 14 Boise, ID 83707 Atten: ROGER VITEK	RECEIVED NOV 27 1995 1021 ACCT. TECH. VITEK
---	---	---

Item No.	Quan.	Furn.	Unit Price	Amount
		Well #3 S RBA		
		CHANGE DIVERSION RATIOS		
		DOMESTIC		
		FIRE PROTECTION		
		IRRIGATION		
			213.00	213.00
		A63-		
		A-63 NO.-30298		
		A-63 NO.-30297		
		A-63 NO.-30296 (SITE)		

VOID AFTER 60 DAYS

Total 213.00

Vendor	1	2	3	4	5	6	7	8	9	10	11	12

Account # 15001 5215	Distr	Requested by Roger Vitek
Spending Authority MICHAEL		Approved Authority OCT 27 1998
Received		Processed

RECEIVED
DEC 07 1995
WATER RESOURCES
WESTERN REGION

REPORT OF WELL DRILLER
State of Idaho

RECEIVED

MAR 19 1968

State law requires that this report shall be filed with the State Department of Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:

Name State of Idaho

Address Idaho State Penitentiary
Boise, Idaho

Owner's Permit No. 63-7025

NATURE OF WORK (check): Replacement well ☐

New well ☒ Deepened ☐ Abandoned ☐

Water is to be used for: Irrigation

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒
Dug ☐ Other ☐ (explain)

CASING SCHEDULE: Threaded ☐ Welded ☐

16 "Diam. from 0 ft. to 770 ft.

"Diam. from 0 ft. to 0 ft.

"Diam. from 0 ft. to 0 ft.

"Diam. from 0 ft. to 0 ft.

Thickness of casing: Material:

Steel ☐ concrete ☐ wood ☐ other ☐

(explain)
PERFORATED? Yes ☐ No ☐ Type of
perforator used:

Size of perforations: 1/4" by 3"
perforations from 570 ft. to 575 ft.
perforations from 575 ft. to 580 ft.
perforations from 580 ft. to 590 ft.
perforations from 590 ft. to 727 ft.

WAS SCREEN INSTALLED? Yes ☒ No ☐

Manufacturer's name 755 Model No. 755-470?

Type Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

CONSTRUCTION: Well gravel packed? Yes ☐

No. ☒ size of gravel Gravel

placed from ft. to ft. Surface seal

provided? Yes ☐ No ☒ To what depth?

ft. Material used in seal:

Did any strata contain unusable water? Yes ☐

No. ☒ Type of water:

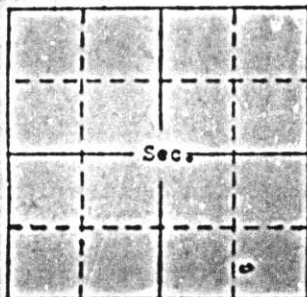
Depth of strata ft. Method of sealing

strata off:

Surface casing used? Yes ☐ No. ☐

Cemented in place? Yes ☐ No ☐

Locate well in section



LOCATION OF WELL: County Ada
SE 1/4 Sec. 27 T. 2 N. 3 R. 2 E. 1/4

Use other side for additional remarks

Size of drilled hole: 16" Total
depth of well: 770 Standing water
level below ground: 470 ft. Temp.
Fahr. Test delivery: 1205 gpm
or cfs Pump? ☒ Bail ☐
Size of pump and motor used to make test:

12" TURBINE
Length of time of test: 14 Hrs. Min.
Drawdown: 84 ft. Artesian pressure: ft.
above land surface Give flow cfs
or gpm. Shutoff pressure:
Controlled by: Valve ☐ Cap ☐ Plug ☐
No control ☐ Does well leak around casing?
Yes ☐ No ☒

DEPTH MATERIAL WATER
FROM TO YES OR NO

FEET	FEET	
0	1	Top Soil
1	3	Hard Pan
3	37	Broken Lava Rock
37	41	Cinders
41	53	Clay
53	114	Gravel
114	137	"
137	170	Clay
170	172	Gravel
172	175	Sandy clay
175	191	Gravel
191	231	"
231	275	Boulders
275	315	Gravel
315	318	Gravel with clay boulders
318	345	Gravel with clay
345	425	Heavy gravel
425	495	Gravel with clay
495	505	Gravel with clay
505	525	"
525	545	Gravel with clay
545	575	Gravel, sand & clay
575	585	Sand, gravel & clay
585	595	Coarse sand
595	615	Gravel with clay
615	635	Coarse sand
635	655	Coarse sand
655	675	Coarse sand
675	695	Coarse sand
695	715	Coarse sand
715	725	Coarse sand
725	735	Coarse sand
735	745	Coarse sand
745	755	Coarse sand
755	770	Gravel, sand

Work started: 8/22/67

Work finished: 3/14/68

Well Driller's Statement: This well was
drilled under my supervision and this report
is true to the best of my knowledge.

Name: Witt and Sons Drilling Co.

Address: 10th & Karcher, Boise

Signed by: [Signature]

License No. 55 Date:

APPEARS = well #4
actually is SE 1/4 SW 1/4
Perforations
755-470
cased to 770'
OCT 27 1998

63 7025

82 610
510 515
515 634

RECEIVED
MAY 6 1963

REPORT OF WELL DRILLER
State of Idaho

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:

Name State of Idaho (Idaho State Penitentiary)

Address State House

Boise, Idaho

Owner's Permit No. 632701

NATURE OF WORK (check): Replacement well ☐
New well ☒ Deepened ☐ Abandoned ☐

Water is to be used for: Domestic

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒

Dug ☐ Other ☐

(explain)

CASING SCHEDULE: Threaded ☐ Welded ☐

16 "Diam. from 41 ft. to 738 ft.

16 "Diam. from 41 ft. to 738 ft.

16 "Diam. from 41 ft. to 738 ft.

16 "Diam. from 41 ft. to 738 ft.

Thickness of casing: 5/16 Material:

Steel ☒ concrete ☐ wood ☐ other ☐

(explain)

PERFORATED? Yes ☒ No ☐ Type of

perforator used: mills

Size of perforations: 5/16 " by 3 "

perforations from 639 ft. to 700 ft.

perforations from 639 ft. to 700 ft.

perforations from 639 ft. to 700 ft.

perforations from 639 ft. to 700 ft.

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perforations from 639 ft. to 700 ft.

perforations from 639 ft. to 700 ft.

perforations from 639 ft. to 700 ft.

perforations from 639 ft. to 700 ft.

Size of drilled hole: 76 " Total
depth of well: 738 Standing water
level below ground: ABO Temp.
Fahr. 72 * Test delivery: 1700 gpm
or cfs Pump? ☐ Bail ☐

Size of pump and motor used to make test:

1750 - 425 H.P.

Length of time of test: 14 Hrs. Min.

Drawdown: 45 ft. Artesian pressure: ft.

above land surface Give flow cfs

or gpm. Shutoff pressure:

Controlled by: Valve ☐ Cap ☐ Plug ☐

No control ☐ Does well leak around casing?

Yes ☐ No ☐

DEPTH	MATERIAL	WATER
FROM TO		YES OR NO
FEET FEET		
0 1	Top soil	
1 6	hard pan	
6 32	red clay binders	
42 42	boulders	
40 63	boulders sand	
60 70	large gravel sand	
70 78	small gravel sand	
78 100	small gravel clay	
100 105	large gravel clay	
105 108	small gravel sand clay	
108 131	red gravel sand clay	
131 150	large gravel sand clay	
150 175	large gravel clay	
175 200	gravel streaks of coarse sand	
200 220	gravel clay	
220 240	large gravel clay	
240 250	small gravel clay	
250 280	large gravel clay sand	
280 315	gravel sand silt clay	
315 405	gravel sand clay	
405 406	sand clay	
406 412	gravel sand clay	
412 414	small sand gravel clay	
414 422	small sand gravel clay	
422 460	gravel sand clay	
460 465	coarse sand clay	
465 497	clay with sand clay	
497 525	clean sand large gravel	500 yes
525 540	muddy sand	no
540 541	sand gravel clean	yes
541 560	muddy sand	yes
560 565	gravel sand	yes
565 576	gravel sand clay (firm)	no
576 580	large gravel sand clay (firm)	no
580 595	small gravel sand clay (firm)	no
595 601	small gravel sand	yes
601 605	brown clay (sticky)	no

Work started: Nov. 12-65

Work finished: Mar. 12-66

Well Driller's Statement: This well was drilled under my supervision and this report is true to the best of my knowledge.

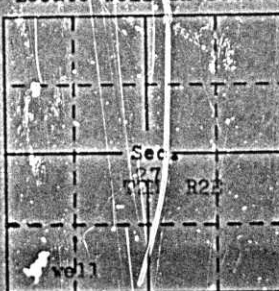
Name: James J. Doty

Address: Rt. 2 Caldwell, Idaho

Signed by: James J. Doty

License No. 2450 Date: Mar.

Locate well in section



LOCATION OF WELL: County Blaine

SW X SW X Sec. 27 T. 2 N/S R. 2 E/V

Use other side for additional remarks

63-03487
(632701)

APPEARS = WELL #3

Perforations
63910701
casing to 738'
OCT 27 1998

DATE: 12/12/95
PAGE: 1

Misc: Water District Number: Field Exam Fee:

SECRET

WR0749NP
No. 63-12296

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/12/95
PAGE: 2

Comments: Date: 12/07/1995 User-ID: RHOWERTO Subject: Future Growth
This application is intended to cover future growth.
Domestic water use based upon additional persons in the next five
years.
Total population for the year 2000 is 3000 inmates and 700 staff.

Date: 12/07/1995 User-ID: RHOWERTO Subject: DOC Wells
DOC wells 3 & 4 are connected now and well 4 is a back-up well
for well 3.
DOC well 6 exists and will be interconnected as part of the plan
for growth.

Date: 12/08/1995 User-ID: SLESTER Subject: PROCESSING DELAY, FEE & OVERLAP
Application processing delayed pending backlog reduction.
Purchase Order submitted with filing, date of priority to be
determined per follow-up with correct payment (fee is \$200).
Application related to pre-1987 development (appl. 63-12297) plus
SRBA claims A63-30296 through A63-30298 (& perhaps others?).
Large Div. info solicited from applicant & response in process.
Water bearing zone assumed per 2 well logs in IDWR records: well
#3 and well #4; no log found for well #6.

Audit: 12/07/95 RHOWERTO 12/08/95 SLESTER

RECORDED
OCT 27 1998

ID, STATE DEPARTMENT OF CORRECTION
ISCI, P.O. Box 14, Boise, ID 83707 / (208) 336-0740 ext. 5254
SIC 1

Req. #

Date 8-29-95

PURCHASE ORDER

P.O. # E0460379

Date 8-29-95

VENDOR:

WATER RESOURCES

SHIP TO:

ISCI SIC 1
Pleasant Valley Rd.
P.O. Box 14
Boise, ID 83707

Atten:

ROGER VITEK

Item No.	Quan.	Furn.	Unit Price	Amount
		Well #4	SRBA	
		CHANGE DIVERSION RATE TO		
		DOMESTIC 5.40 CFS		
		FIRE PROTECTION 5.40 CFS		4220.00
		IRRIGATION 3.38 CFS		
		5.40 CFS		
\$200		63-12296		
		63-12297-lapsed		
\$100				

VOID AFTER 60 DAYS

Total \$220.00

Vendor	1	2	3	4	5	6	7	8	9	10	11	12

Account #

Distr

Requested by

Spending Authority

Approving Authority

Received

Processed

RECEIVED

DEC 07 1995

WATER RESOURCES
WESTERN REGION

OCT 27 1998

WATER RIGHTS



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 12, 1995

Mr. James Spalding
State of Idaho
Dept. of Corrections
Statehouse
Boise, ID 83720

RE: APPLICATIONS FOR PERMIT NOS. 63-12296 AND 63-12297

Dear Sir:

The above-referenced applications to appropriate ground water for domestic and irrigation uses at the Idaho State Penitentiary were received on December 7, 1995. Processing of each application will be different.

First, the purchase order for filing fees must be corrected. Purchase Order #E0460379 for \$220 was submitted with the applications. The correct filing fee is \$300: \$200 for 63-12296 and \$100 for 63-12297. Please submit an additional (or corrected) purchase order for the proper amount.

Second, processing of application 63-12296 for projected growth must be delayed due to a backlog of applications resulting from the recently rescinded moratorium related to approval of such filings in the local area. Due to continued drought and to protect existing water rights and water supplies, the Director of this agency declared a moratorium on May 15, 1992, concerning water right applications proposing new consumptive uses of public water. The moratorium has now been lifted, but a backlog of applications filed during the moratorium period must first be processed before new applications may be considered.

This office will hold application 63-12296 pending reduction of the backlog. All applications received will be processed in priority order. Delays related to department actions do not affect the date of priority or seniority of any application, once established.

To facilitate handling of that application once it can be processed, please provide responses to the attached "large diversion information" sheets. This information is required by statute for any water right application exceeding 5.00 cfs. However, in this case where existing wells will provide additional water for projected growth, an abbreviated response will suffice. The highlighted items are the only ones applicable for your response.

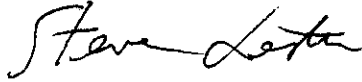
Third, application 63-12297 for development completed prior to November, 1987 can be immediately processed as a system exempted from moratorium backlog delays. It appears that sufficient data has been collected to verify that the uses outlined in this filing were already in place by 1987.

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63-12296 and 63-12297
December 12, 1995
Page 2

Your response regarding correct fees and "large diversion information" within 30 days would be helpful. Please contact me (334-2190) at your convenience if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Water Rights Supervisor

Enclosure: Large Diversion Information

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OCT 27 1998

NEED reply to 3 items

PAGE 27

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37.03.08.05. C(ii)

" . d(ii)

" . g

WATER APPROPRIATION RULES

only for wells & springs Not
used by Id. Dept. of Corrections
IDAPA 37.03.08

the point of diversion and nature of use for each existing water right shall be submitted. (7-1-93)

ii. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well. (7-1-93)

iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights. (7-1-93)

d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:

i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year. (7-1-93)

ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source. (7-1-93) *

e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows: (7-1-93)

i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code. (7-1-93)

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* What info can suggest that existing wells can produce 5.22 cfs (c 2340 gpm) in Appl. 63-12296?

ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials. (7-1-93)

f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows: (7-1-93)

i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed. (7-1-93)

ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications. (7-1-93)

g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows: The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director. (7-1-93) *

h. The following information Relative to the Public Interest Criteria of Section 42-203C(2), Idaho Code, shall be submitted by an applicant seeking reallocation of trust water for a project which the director determines will reduce the flow of the Snake River by more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than two hundred (200) acres will be irrigated. The director may request any or all of the following information for any filing seeking the reallocation of trust water. (7-1-93)

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OCT 27 1998
* Need comment letter e Ada Co. Comm. - do they approve? (I imagine answer is yes)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JUNE 11, 1998

Legal Notices Department
THE IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 6, 1998.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

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OCT 27 1998

NOTICE OF APPLICATION FOR WATER RIGHT

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

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OCT 27 1998

63-12296

STATE OF IDAHO
DEPT OF CORRECTIONS
STATEHOUSE
BOISE, ID 83720

Source: GROUNDWATER

Diversion Pt: SWSWSW Sec 27 T 02N R 02E in ADA County.
 SESWSE Sec 27 T 02N R 02E in ADA County.
 NWNWNE Sec 33 T 02N R 02E in ADA County.

Use: IRRIGATION (1.680 CFS)
 DOMESTIC (3.540 CFS)
 Total Diversion: (5.220 CFS)

Date Filed: 12/ 7/1995

In: ADA County				
T02N R02E S27	NWSW	SWSW		
S28	SWNE	SENE	SENW	NESW
	NESE	NWSE	SWSE	SESE
S34	SENE			

84.0 ACRES TOTAL

Domestic use is for Idaho State Penitentiary.
Water bearing zone to be appropriated is 550 to 750 feet.
Application proposes diversion of groundwater from three wells
located at the existing state prison. Water will be used to
supply domestic water to prisoners at a new prison complex
and to irrigate 84 acres of land associated with the new prison.
Applicant seeks a waiver of local moratorium asserting water
appropriation for a prison is in the public interest.

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OCT 27 1998

*this is original
Ad 6/18-6/25/1998*

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before JULY 6, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 6/18/1998 & 6/25/1998

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