

**STARTING
LEFT
SIDE OF
FILE**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5314
WATER RIGHT NO. 63-03445

This is to certify that: **STATE OF IDAHO**
DEPARTMENT OF CORRECTIONS
1299 N ORCHARD STE 110
BOISE ID 83706

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.50 CFS	562.5 AF
DOMESTIC	01/01 to 12/31	2.24 CFS	504.0 AF
FIRE PROTECTION	01/01 to 12/31	4.74 CFS	
	Totals	* 4.74 CFS	* 1066.5 AF

SOURCE

GROUNDWATER

Priority: 04/16/1965

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 30, Township 02N, Range 02E
NENE , Sec. 32, Township 02N, Range 02E
SENE , Sec. 32, Township 02N, Range 02E
NWSE , Sec. 32, Township 02N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N 02E 32	NENE 2	SENE 3	NESW 40	
	NWSW 40	NWSE 40		125
		Total number of acres irrigated:		125

PLACE OF USE: DOMESTIC

<u>TWN RGE SEC</u>			
02N 02E 31	NENE	NWNE	SWNE
	SENE	NENW	SENW

PLACE OF USE: FIRE PROTECTION, same as DOMESTIC use

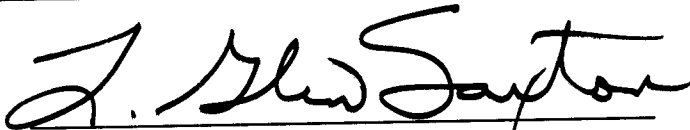
MICROFILMED
JAN 11 1999

TRANSFER NO. 5314
WATER RIGHT NO. 63-03445

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 5. The total instantaneous diversion of water from all points of diversion under Transfer 5314 shall not exceed 4.74 cfs, nor a total combined annual volume of 1066.5 af.
6. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
7. If Right 63-03445 is ever regulated, the domestic use which represents an expansion of use of water under this right shall assume a priority date of August 11, 1998.
8. The water used for domestic use under this transfer approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used for domestic use as authorized by the water right.
9. Domestic use is for a prison facility located within the E1/2NE, S32, T02N, R02E.

Dated this 18th day of December, 1998.


Chief, Water Allocation Bureau

MICROFILMED
JAN 11 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

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FIRE PROTECTION	01/01 to 12/31	4.74 CFS	
Totals		* 4.74 CFS	* 1066.5 AF

SOURCE

GROUNDWATER

Priority: 04/16/1965

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 30, Township 02N, Range 02E
NENE , Sec. 32, Township 02N, Range 02E
SENE , Sec. 32, Township 02N, Range 02E
NWSE , Sec. 32, Township 02N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N 02E 32	NENE 2	SENE 3	NESW 40	
	NWSW 40	NWSE 40		125
Total number of acres irrigated:				125

PLACE OF USE: DOMESTIC

<u>TWN RGE SEC</u>			
02N 02E 31	NENE	NWNE	SWNE
	SENE	NENW	SENW
32	NENE	SENE	

PLACE OF USE: FIRE PROTECTION, same as DOMESTIC use

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NOV 16 1998

TRANSFER NO. 5314
WATER RIGHT NO. 63-03445

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1. 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.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 5. The total instantaneous diversion of water from all points of diversion under Transfer 5314 shall not exceed 4.74 cfs, nor a total combined annual volume of 1066.5 af.
6. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
7. If Right 63-03445 is ever regulated, the domestic use under this right shall assume a priority date of August 11, 1998.
8. The water used for domestic use under this transfer approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used for domestic use as authorized by the water right.
9. Domestic use is for a prison facility located within the E1/2NE, S32, T02N, R02E.

Dated this 29th day of October, 1998.

SUPERSEDED

J. Glen Saylor
Chief, Water Allocation Bureau

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NOV 06 1998

RECEIVED

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

SEP 29 1998

(ATTN PAT DONALDSON)

Department of Water Resources
Name of Applicant

State of Idaho Department of Corrections

Phone 332-8294Postal address 1299 N. Orchard St. 110City BoiseSt ID Zip 83706

A. PURPOSE OF THE TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____

2. Describe reason for the proposed changes: Applicant is constructing a new prison on ~~280~~ ¹⁷⁸ acres of irrigated land. Applicant wishes to change the beneficial use of the irrigation water on ~~that 280~~ ¹⁷⁸ acres to a year around domestic use for the new prison. Applicant also wishes to change the point of diversion to two new wells located at the prison site

B. DESCRIPTION OF RIGHT(S), OR PORTIONS THEREOF, AFTER THE REQUESTED CHANGE (or ☐ see Attachment _____)

1.	Right No.	Priority	Amount (cfs, ac-ft)	Nature of use	Period of Use
	<u>63-03445</u>	<u>4-16-1965</u>	~~1.56~~ <u>2.24</u>	<u>Domestic</u>	<u>1/1</u> to <u>12/31</u>
			~~3.18~~ <u>2.50</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
			<u>4.74</u>	<u>Fire Protection</u>	<u>1/1</u> to <u>12/31</u>
			<u>4.74</u>		to _____

2. Total diversion rate/volume being transferred: ~~1.56~~ cfs and/or _____ ac-ft per annum

3. Source of water: ground water, tributary to: _____ (or ☐ see Attachment _____)

4. Points of diversion (or ☐ see Attachment _____):

Twp.	Rge.	Sec.	1/4	1/4	1/4	Lot	County	Local diversion name / Local landmark
<u>2N</u>	<u>2E</u>	<u>30</u>	<u>NE</u>	<u>SE</u>	<u>SE</u>		<u>Ada</u>	<u>Well #5</u>
<u>2N</u>	<u>2E</u>	<u>32</u>		<u>NW</u>	<u>SE</u>		<u>Ada</u>	<u>Well #2</u>
<u>2N</u>	<u>2E</u>	<u>32</u>		<u>NE</u>	<u>NE</u>		<u>Ada</u>	<u>Proposed Well</u>
<u>2N</u>	<u>2E</u>	<u>32</u>		<u>SE</u>	<u>NE</u>		<u>Ada</u>	<u>Proposed Well</u>

5. Lands irrigated or place of use (or ☐ see Attachment _____):

Twp	Rge	Sec	NE				NW *				SW				* SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>2N</u>	<u>2E</u>	<u>32</u>	<u>D/02</u>			<u>D/03</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>40</u>	<u>40</u>			<u>32</u>	<u>40</u>			<u>164</u>
		<u>31</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>		<u>D</u>										<u>125</u>
			Amended per Attachment A-1																

* Domestic use includes land application of waste water on ~~160~~ ²⁰⁰ acres on a ~~40~~ ⁴⁰ acres/year rotation
 Total acres 164 *

☐ Permissible place of use, actual acreage irrigated not to exceed _____ acres per year.

ACRESAGE & CFS CORRECTING made by Applicant on 8/12/98 office visit.

-82

PART 1, CONTINUED

6. General information:

a. Description of new diversion system (or ☐ see Attachment _____): 2 new wells, storage tank
and distribution system to new prison and treatment system w/
distribution system to land application area

b. Remarks (or ☐ see Attachment _____): Use well also include uses for construction
purposes of the new prison including dust suppression and seed compaction

PLEASE READ THIS SECTION CAREFULLY

Is there a current lien, mortgage or deed of trust on the property? _____ Yes ☒ No
If yes, please complete Part 2, item 6.

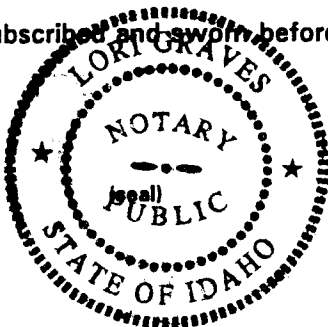
Has any portion of this right(s) undergone a period of 5 or more consecutive years of non-use? _____ Yes ☒ No
If yes, please attach an explanation of circumstances and label it as noted in Part 2, item 9(g).

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the right(s), and that the information contained in this application is true to the best of my knowledge. I understand that I am responsible for the accuracy and completeness of the application even though I may have been assisted in the preparation of the application.

I understand that any willful misrepresentation made in this application may result in voiding the transfer approval.

[Signature] OPERATIONS MANAGER
(Signature and Title of Applicant)

Subscribed and sworn before me on this 11th day of August, 1998.



[Signature]
(Signature of Notary Public)

My commission expires: 6/18/98

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 1 attachments

Received by [Signature] Date 8/11/98 Fee \$100 MICROFILMED

Receipted by [Signature] Date 7/30/98 # W102421 NOV 06 1998

**APPLICATION FOR TRANSFER OF WATER RIGHT
ADDITIONAL DOCUMENTATION
PART 2**

ATTACHED (Required)

- ☒ 1. Copy of each right as presently recorded with IDWR (printout of water right or other acceptable record must include Conditions/Remarks). = Pg. 6 + 7

Complete the following items: prior consultation with IDWR staff is encouraged to simplify preparation (see "IDWR Information Sheet - Filing An Application For Transfer") as necessary for your transfer application. Label each supporting document as an attachment (A, B, etc.). Place a check mark by each item completed.

ATTACHED (enter "✓" or "N/A" for each item as advised by IDWR staff)

- n/a 2. Describe any other water rights used for the same purposes described in Part 2, item 1.
- N/A 3. Written description of present system and changes required to accommodate the proposed transfer.
4. Map(s) identifying township, range, section and 1/4-1/4 locations of pertinent items as follows:
- ☒ a) *proposed* water system showing the point of diversion, place of use, and any water conveyances such as ditches or pipelines; show irrigated acres per 1/4-1/4 if proposed; and
- ☒ b) *unchanged portion* of water system showing point of diversion, place of use and any water conveyances such as ditches or pipelines. } *Attach. A*
- N/A c) include a system diagram of the items in 3a and 3b if this is not clear on the map(s).
- N/A 5. Evidence of water right ownership for entire right or portion of right being transferred. If transferring a portion of right, provide the name and address of the owner (if not the applicant) of the unchanged portion of the right. *Assume OK per state land & state agency*
- n/a 6. Notarized statement from holder of lien, mortgage, contract, deed of trust or any other encumbrance on the property agreeing to the transfer.
- N/A 7. Comments from county planning and zoning organization for county in which proposed water use will occur.
- n/a 8. Comparison between water right as recorded, Snake River Basin Adjudication (SRBA) claim as recorded or current water use practices if any differences exist between any of these three categories. Explain any differences and submit supporting evidence and/or affidavits to substantiate your explanation.

~~Def~~ IDWR info is sufficient to explain WR: AJ

- continued on reverse side -

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PART 2, CONTINUED

9. Verification of diversion and beneficial use of water within the previous five year period. Some or all of the following items might apply:

SEE ATTACH A

a) most recent agricultural program crop map or aerial photo showing irrigated land before the proposed change

N/A

b) pump power records

✓

c) water master records and/or comments if use is within a water district

✓

d) irrigation crop reports

✓

e) reports from other government agencies and/or qualified consultants

✓

f) affidavits from knowledgeable third parties familiar with the history of water use for the water right being transferred

✓

g) describe any defenses to forfeiture - CRP, extension of time, etc

✓

h) other....list other verification documentation for the water right below:

IDWR investigated water right in 1994 and confirmed its
use for irrigation. Prison construction started in 1998. Prior
to that the water right was in constant use for irrigation
Purposes

✓ **10. For a change in nature of use of part or all of the water right, complete and attach Part 3 of the transfer application.**

N/A **11. Identify any other documentation that clarifies the transfer application:**

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APPLICATION FOR TRANSFER OF WATER RIGHT CHANGE IN NATURE OF USE DESCRIPTION PART 3

A. CHANGE IN NATURE OF USE

1. New Nature of Use	Period of Use	Diversion Rate (cfs)	Annual Diversion Volume (acre-feet)	Annual Consumptive Use Volume (acre-feet)	*
<u>Domestic</u>	<u>1/1 to 12/31</u>	<u>~~1.56~~ 2.24</u>	<u>504.1</u>	<u>Not to exceed 392</u>	
<u>Fire Protection</u>	<u>1/1 to 12/31</u>	<u>~~4.74~~</u>	<u>—</u>	<u>—</u>	
_____	_____ to _____	_____	_____	_____	

2. ☐ If present water use is other than irrigation, attach an estimate of the annual volume of water that has been consumptively used. Also, provide justification for the estimate.

3. ☐ Attach copy of design report or system design supporting required water flow rates and volumes for the new use. Describe attachment(s):

The prison is to be constructed w/ capacity of _____ beds requiring 600,000
gallons per day. Construction needs require 500,000 gallons per day *

4. If water or waste will be discharged from project, describe quantity, quality and location of the discharge:

Waste water will be land applied per DEQ requirements and
will result in 100% consumptive use of the water.

5. Describe measures that will be taken to prevent impacts to other water uses and water users:

No impacts are anticipated

* 112 Acres retired to provide up to
450,000 gpd for prison complex.
Add'l. 150,000 gpd will be provided via
other water right actions.

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NOV 06 1998

WR5809NP
No. 63-03445

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/11/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	IDAHO STATE PENITENTIARY	04/16/1965	IRRIGATION	03/15 11/15	4.740 CFS	1066.50 AFA
TOTAL DIVERSION:					4.740 CFS	1066.50 AFA

Water Source: GROUNDWATER

Tributary to:

*DOC
Well #2
Actual location
is NWSE*

Stage: LICENSE

Point(s) of Diversion: T02N R02E S32

NESE

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	SUM	
T	R	S	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

*Restire
73 AC.*

*Restire 39
AC*

Dates:	App. Received:	Priority Date:	04/16/1965
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		09/12/1979

Misc: Water District Number: Field Exam Fee:

Audit: 04/08/85 05/01/88 CONVERT

*Lic e
per acre } .02 cfs
4.5 AFA div. vol
3.5 AFA cons. vol*

ps 6 of 7
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NOV 06 1998

No. A63-03445

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

PAGE: 1

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

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 Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : SUM

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:

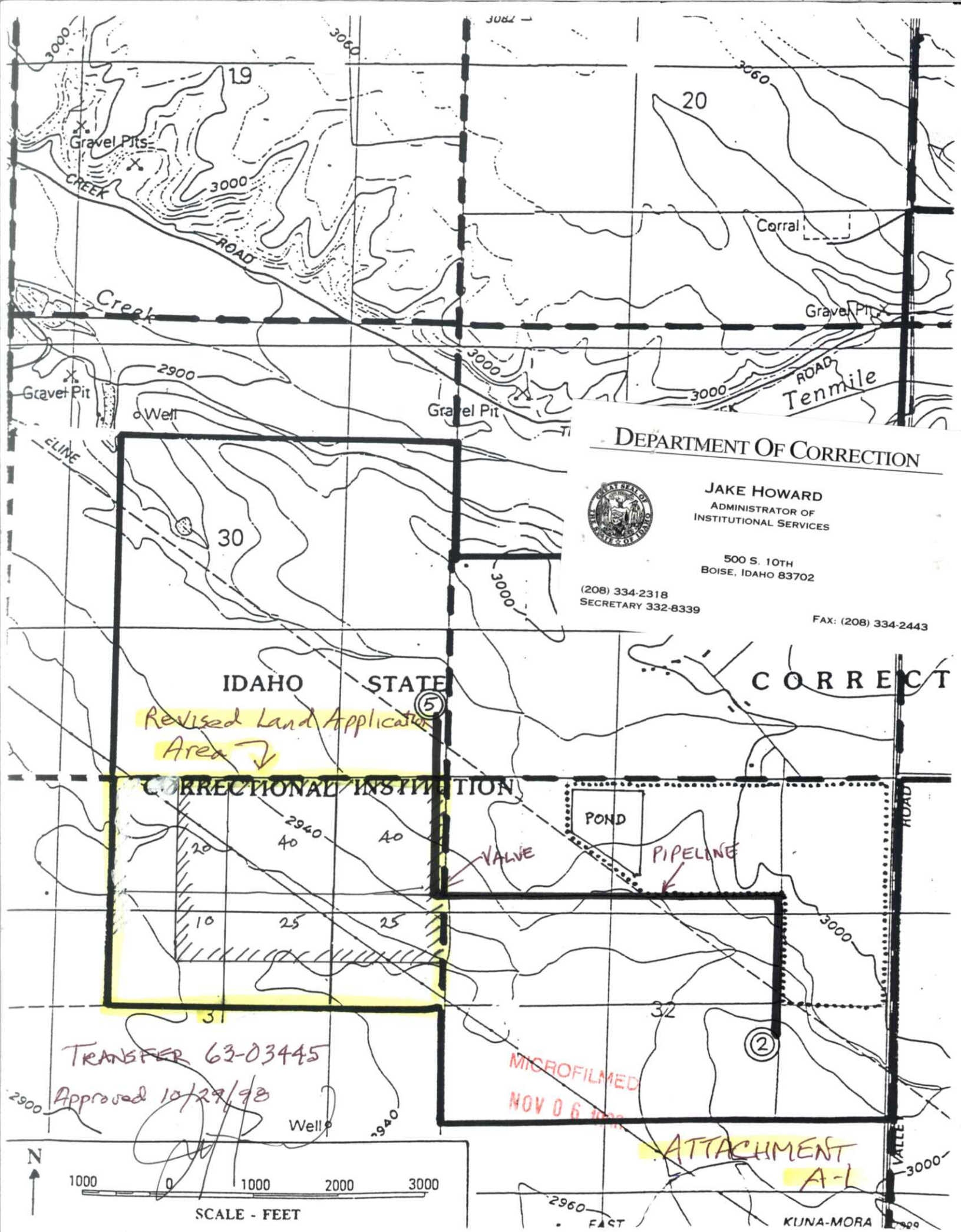
Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag: C

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NOV 06 1998

Ps 7 of 7



Land apply wastewater
in NW 1/4 & NESE S.32

T2N R2E
July 1994
photo
Ground J-7

S.30
Existing
Well
#5
↓

S.32
↓

NEW
CONSTRUCTION
SITE - can see
irrig. well in 1994

Land
Apply

NEW
WELL
#1
#2

Existing
Well
#2

Land
Apply

Retire 112 AG.
irrigation

Traverse 03-03445

NOV 06 1998

Attwood

SCALE 1:24

1 inch represents 1

SEP 23 1998

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR DRILLING PERMIT

Ident. No.

D0000602

63-98-C-0530-000

WR 63-12296

63-03445

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 [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

(Continued)

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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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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.

M. S. Skiff
Signature of Authorized Dept. Representative

Sec. Mager
Title

EXTENSION OF DRILLING PERMIT

Extension Approved by: _____

Approval Date: _____
Expires On: _____MICROFILMED
NOV 06 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

MICROFILMED
NOV 06 1998

Ident. No.

D0000603

63-98-C-0531-000

W/R 63-10296

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

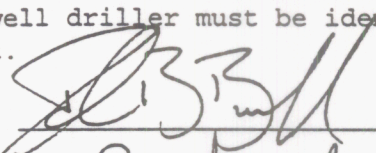
3. Proposed Use of Well: Other
PRISON

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 Ncy
~~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 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)

MICROFILMED
NOV 06 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)

MICROFILMED

NOV 06 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: _____

MICROFILMED
NOV 06 1998

9/6/96

Drilling Permit No. 63-98-C-0530-000, 68-98-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

MICROFILMED
NOV 06 1998

State of Idaho
Department of Water Administration
LICENSE OF WATER RIGHT

License of Water Right No. 32333/63-3445 Priority April 16, 1965 Amount 4.74 cfs

THIS IS TO CERTIFY, that the Idaho State Penitentiary
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 32333/63-3445 issued pursuant to Application for Permit dated April 16, 1965,
and has submitted proof to the Department of Water Administration on December 22, 1969,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 6.19 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 4.74 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 4.74 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, Twp. 2 N, Rge. 2 E, B. M.

in the county of Ada; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1,066.5 acre feet per year or _____
4.5 acre feet per acre.

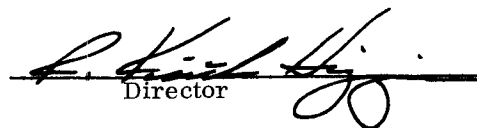
Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2 N	2 E	32	39			39					40	40			39	40			237

Total number of acres irrigated 237

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 20 day of
November, 19 73.


Director

63 3445

Receipt # 13287

RECEIVED

OCT 11 1973

Department of Motor Administration

APPLICATION FOR AMENDMENT

RECEIVED

SEP 23 1973

DIRECTOR
IDAHO CORRECTIONS

Permit No. 32333/63-3445

Comes now the Idaho State Penitentiary of (address) _____

Boise, Idaho, and represents to the Director of
the Idaho Department of Water Administration:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 32333/63-3445, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NO CHANGE $\frac{1}{4}$ $\frac{1}{4}$, Sec. _____ Twp. _____

Rge. _____, B. M. , County of _____. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

NO CHANGE

Amount NO CHANGE for purposes from to (both dates inclusive)

Amount for _____ purposes from _____ to _____ (both dates inclusive)

Amount for purposes from _____ to _____ (both dates inclusive)

Amount for purposes from _____ to _____ (both dates inclusive)

(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated	237
---------------------------------------	-----

63 3445

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.

[illegible]

Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Boise, Idaho, this 12th day of October, 1973

Raymond A. May
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration,
hereby approve the above application for amendment for Permit No. 32333/63-3445.

Witness my hand this 20 day of November, 19 73.


Director

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-32333)

in the name of the Idaho State Penitentiary,))

Box 1719, Boise, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law;
and,

WHEREAS, these changes raised questions as to the procedures to be followed by
holders of permits issued prior to the effective date of the amendments, May 31, 1967;
and,

WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. G-32333 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.

Dated this 21ST day of NOVEMBER, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

32333
62-3445

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 40481
Permit No. G- 32333
District No.

1. Name of Applicant: Idaho State Penitentiary
Postoffice address: Box 1719, Boise County: Ada State: Idaho
2. Quantity of water claimed: 3,000 gallons per minute or 6.67 CFS
(a) Rate of withdrawal in cubic feet per second or Idaho
Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32
Twp. 2 N , Rge. 2 E , B.M., County of Ada
5. Water is to be used for: Irrigation purposes
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Electric or natural gas motors and pumps, sprinkling irrigation
8. Estimated cost of works: \$ 30,000
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
- (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
- (b) (cubic feet per second, inches or gallons per minute) is for new lands.

This ground is virgin sage-brush land and has never been under cultivation before. This ground is needed for the raising of grain and produce previously raised on leased property. The land shown on the attached map in red is the ground put under cultivation this year. The land referred to in blue is state owned land and will be put under cultivation in the near future. The land referred to as U. S. ground under the blue line is land the State has made application for and anticipates receiving. Therefore, all of this land will need water for irrigation. It is anticipated other wells will be drilled as the need requires.

Remarks:

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

Idaho State Penitentiary

Applicant.

By s/ L. E. Clapp
Warden

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. April 16, 1965

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 32333
Recorded in Book 113 Page 32333 Approved April 23, 1965

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before October 23, 1967

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before April 23, 1970

Witness my hand this 23rd day of April, 1965 s/ CARL E. TAPPAN
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 23rd day of April, 1965.

Countersigned:

STATE OF IDAHO

(SEAL)
By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLIE
Governor

12.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2 N	2 E	32	40			40					40				40	40			200
2 N	2 E	32					40	40	40	40									160
2 N	2 E	31	40	40	40	40	40	40	40	40									320
2 N	2 E	30				40									40		40		120
2 N	2 E	29									40								40
																	TOTAL		840

LICENSE ISSUED FOR H. L. HARRIS, JR.
LICENSE P

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder State of Idaho, Board of Corrections ✓
b) Post Office Address P.O. Box 7309 / Boise, Idaho
2. Permit Number G-32333/ 63-3445 ✓
3. Date of Priority that you are prepared to establish April 23, 1965 ✓
4. a) Source from which water was appropriated Subterranean ✓
b) Location of the point of diversion: NE 1/4 SE 1/4, Section 32 ✓
Township 2 N ✓, Range 2 E ✓ Boise Meridian, Other points of diversion: _____
Ada County ✓
5. a) The amount of water and use to which the water has been applied:
amount 6.7 c.f.s. for irrigation purposes from April 15 to October 15 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 6.7 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) electric or natural gas motors
and pumps, sprinkling irrigation
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well drillers name and address and date the well was completed _____

EXAM TYPED
1-5-70 gms

32333
63-3445

The above information is a true statement of the extent to which the above numbered permit has been developed.

December 19, 1969.
(Date)

Ray William Evans
(Signature)

State of Idaho ss.
County of Ada

On this 19th day of December, 1969, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Betty J. Bess
Notary Public residing at Bessemer, Idaho

My commission expires June 7, 1971

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place
of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivi-
sion: _____

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2 N	2 E	32	40			40					40				40	40			200
2 N	2 E	32					40	40	40	40									160
2 N	2 E	31	40	40	40	40	40	40	40	40									320
2 N	2 E	30				40									40			40	120
2 N	2 E	29									40								40

Total number of acres irrigated 840

10. Remarks: All this land needs water for irrigation. It is anticipated other wells
will be drilled as the need requires.

The above information is a true statement of the extent to which the above numbered permit has been developed.

RECEIVED

JAN 2 1970

Department of Reclamation

STATE OF IDAHO, }
COUNTY OF ADA } ss.

Georgene Davis

, being duly sworn,
deposes and says: That she is the Principal Clerk of The Idaho
Daily Statesman, a daily newspaper printed and published at
Boise, Ada County, State of Idaho, and having a general circula-
tion 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 regular edition of The Idaho Daily Statesman for

Two weekly

consecutive insertions, beginning with the

issue of December 18, 1969, and ending with the

issue of December 25, 1969.

Georgene Davis

Subscribed and sworn to before me this 26th day of

December, 1969.

Jona A. Young

Notary Public for Idaho, Residing at Boise, Idaho

LEGAL NOTICES

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that the Idaho State Penitentiary, Box 7309, Boise, Idaho, has received an approved permit No. G-32333 63-3445 issued by the Idaho State Reclamation Department authorizing the diversion of 6.67 cubic feet per second of water from a ground-water source subject to all prior rights. The priority to be established under this permit is April 16, 1965 and the permit was approved April 23, 1965. Water is to be diverted by well, motors, pumps and sprinklers from a point within the NE 1/4 Sec. 32, T. 2 N., R. 2 E., B.M., Ada County to be used for irrigation in the NW 1/4, E 1/2 NE 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4 Sec. 32, NW 1/4, NE 1/4 Sec. 31, SE 1/4 NE 1/4, E 1/2 SE 1/4, Sec. 30, NW 1/4 SW 1/4, Sec. 29, T. 2 N., R. 2 E., B.M. Proof of the application of the water to beneficial use is to be submitted to the department on or before April 23, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Pub. Dec. 18, 25, 1969.

**NOW
STARTING
RIGHT
SIDE OF
FILE**



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:

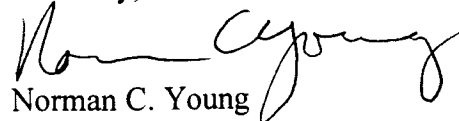
This a delayed response to your letter of July 20, 1999, requesting concurrence to use water to establish the cover crops needed for land application of waste water without first using the water for domestic purposes at the new prison. This issue arises because the water rights are conditioned to require 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

JUL 20 1999

Department of Water Resources

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

July 20, 1999

Norman C. Young
Administrator, Water Management Division
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, ID 83706

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

Dear Mr. Young:

This letter is to follow up and supplement our brief conversation last week on the above water rights for wells No. 2, 5, 7, and 8 of the Idaho Department of Correction (IDOC). I have been requested and authorized by IDOC to present this to you for consideration by the Idaho Department of Water Resources (IDWR).

As you are aware, IDOC has essentially completed construction of a new prison complex on south Pleasant Valley Road in sec. 32, T. 2 N., R. 2 E., Ada County. This prison is designed for an ultimate population of 3,000 persons, plus staff, and was scheduled to open in 1999. The domestic wastewater from the prison is to be stored, treated, and the treated effluent used for land-application irrigation on an adjacent 160-acre IDOC tract in sec. 31.

For a number of reasons, the opening of this new prison has been delayed and the scheduled opening is now set to be on, or about, July 1, 2000. The land application area in sec. 31 has never been irrigated in the past, but the above rights provide for the irrigation in conjunction with the domestic use. Land application of the treated effluent is under the terms and conditions of a permit (LA-000176-01) issued by the Idaho Department of Environmental Quality (DEQ). The permit provides for the growing and harvesting of a perennial forage crop (such as alfalfa, perennial rye grass, or tall fescue) to recycle the moisture and nutrients of the wastewater.

IDOC now wishes to plant the required perennial crop (alfalfa) in the immediate future so that the crop can be well established, to meet the DEQ requirement, by the time the prison is opened next year. The question has now arisen as to the direct use of water from one or more of the above wells to irrigate and establish the crop, without the water having been first used for the domestic purposes. Irrigation of the land application area would commence as soon as the crop is planted, continue (as necessary, depending upon weather conditions) during the non-irrigation season of November 1999 - March 2000, and on into the year 2000 until the prison is opened and the domestic wastewater becomes available.

The above referenced water right for Wells No. 7 and 8 (63-12296) provides for both the

domestic use and subsequent reuse for irrigation of the 160-acre tract in sec. 31. The above referenced transfer (T-5314) applies to Well No. 2 (63-03445) and includes, as additional points of diversion, Wells No. 7 and 8 plus Well No. 5 (63-08088). This transfer provides for domestic use of 2.24 cfs to the new prison and the land application area. Wells No. 7 and 8 are the primary source for domestic water but cannot be discharged directly to the effluent ponds, and therefore cannot be used to supply the land application area, until after the prison is opened next year. Wells No. 2 or 5, in the interim, would have to be used to furnish the irrigation water needed for the new perennial cover crop. The sprinkler irrigation distribution system to, and on, the land application area is now in place.

The use of water from the system interconnecting Wells No. 2 and 5 for the establishment of the cover crop on the land application area, without first being used for domestic purposes at the new prison, will not increase either the authorized diversion rate(s) or irrigated area(s)--with the possible exception of some minor use during the next non-irrigation season if required.

Copies of documents relating to the above water rights are attached to facilitate your review of this matter.

An early response from IDWR would be greatly appreciated, concurring with IDOC's planned use of irrigation water from the interconnected Well 2 - 5 system, without requiring previous use of the water for domestic purposes, to establish the necessary perennial cover crop.

Please call me if you have questions or need further information.

Sincerely,



Keith E. Anderson, P.E.

Attachments

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32333/63-3445 Priority April 16, 1965 Amount 4.74 cfs

THIS IS TO CERTIFY, that the Idaho State Penitentiary
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 32333/63-3445 issued pursuant to Application for Permit dated April 16, 1965
and has submitted proof to the Department of Water Administration on December 22, 1969
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 6.19 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:
Amount 4.74 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 4.74 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, Twp. 2 N, Rge. 2 E, B.M.

in the county of Ada; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1,066.5 acre feet per year or _____
4.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2 N	2 E	32	39			39					40	40			39	40			237

Total number of acres irrigated 237

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 20 day of
November, 19 73.


Director

63 3445

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5314
WATER RIGHT NO. 63-03445

This is to certify that: STATE OF IDAHO
DEPARTMENT OF CORRECTIONS
1299 N ORCHARD STE 110
BOISE ID 83706

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.50 CFS	562.5 AF
DOMESTIC	01/01 to 12/31	2.24 CFS	504.0 AF
FIRE PROTECTION	01/01 to 12/31	4.74 CFS	
	Totals	* 4.74 CFS	* 1066.5 AF

SOURCE

GROUNDWATER

Priority: 04/16/1965

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 30, Township 02N, Range 02E
NENE\ , Sec. 32, Township 02N, Range 02E
SENE , Sec. 32, Township 02N, Range 02E
NWSE , Sec. 32, Township 02N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N 02E 32	NENE 2	SENE 3	NESW 40	
	NWSW 40	NWSE 40		125
		Total number of acres irrigated:		125

PLACE OF USE: DOMESTIC

<u>TWN RGE SEC</u>			
02N 02E 31	NENE	NWNE	SWNE
	SENE	NENW	SENE
32	NENE	SENE	

PLACE OF USE: FIRE PROTECTION, same as DOMESTIC use

TRANSFER NO. 5314
WATER RIGHT NO. 63-03445

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 5. The total instantaneous diversion of water from all points of diversion under Transfer 5314 shall not exceed 4.74 cfs, nor a total combined annual volume of 1066.5 af.
6. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
7. If Right 63-03445 is ever regulated, the domestic use under this right shall assume a priority date of August 11, 1998.
8. The water used for domestic use under this transfer approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used for domestic use as authorized by the water right.
9. Domestic use is for a prison facility located within the E1/2NE, S32, T02N, R02E.

Dated this 29th day of October, 1998


Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

(late proof)

License of Water Right No. 63-8088 Priority February 27, 1975 Amount 4.8 cfs

THIS IS TO CERTIFY, that Idaho State Dept. of Corrections
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 63-8088 issued pursuant to Application for Permit dated February 21, 1975
and has submitted proof to the Department of Water Resources on March 7, 1980
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 5.86 cfs of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	<u>4.8</u> cfs and	<u>1404.0</u> acre feet
_____	from _____ to _____	_____ cfs and	_____
_____	from _____ to _____	_____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 4.8 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1404.0 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30 Twp.
2N, Rge. 2E in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2N	2E	29									23	40	20	40	178
		30									40	40			134

Total number of acres irrigated 312

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of

June, 19 83

Director

State of Idaho
Department of Water Resources

Permit To Appropriate Water

RECEIVED

OCT 26 1998

NO. 63-12296

WATER RESOURCES
WESTERN REGION

Proposed Priority: December 7, 1995

Maximum Diversion Rate:

5.00 CFS

This is to certify, that STATE OF IDAHO
DEPT OF CORRECTIONS
1299 N ORCHARD STE 110
BOISE ID 83706

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>
IRRIGATION	03/15 to 11/15	0.90 CFS
DOMESTIC	01/01 to 12/31	4.23 CFS
	Totals	5.00 CFS

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 32, Township 02N, Range 02E
SENE , Sec. 32, Township 02N, Range 02E
ADA County

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	32	NENE 2.0	SENE 3.0	NENW 40.0	
			NWNW 40.0	SWNW 40.0	SENW 40.0	165.0

Total number of acres irrigated: 165.0

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 2003.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

NOTE: This permit is being amended to give the correct location for 160 acres of irrigation. The four 40-acre tracts listed above as being in Sec. 32 is being changed to show them as being in Sec. 31. The total irrigated area remains at 165 acres.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

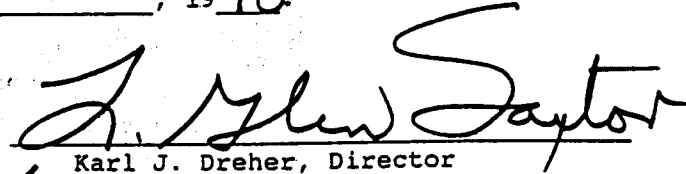
NO. 63-12296

CONDITIONS OF APPROVAL AND REMARKS

6. 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.
7. 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.
8. Irrigation use under this right is limited to 45 acres within the place of use described above in a single irrigation season.
9. 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 NW, S32, T02N, R02E.
10. 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.
11. Water diverted under this right is considered to be fully consumed.
12. Water bearing zone to be appropriated is 550 to 750 feet.

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

23rd day of October, 1998


Karl J. Dreher, Director
for

LEGEND

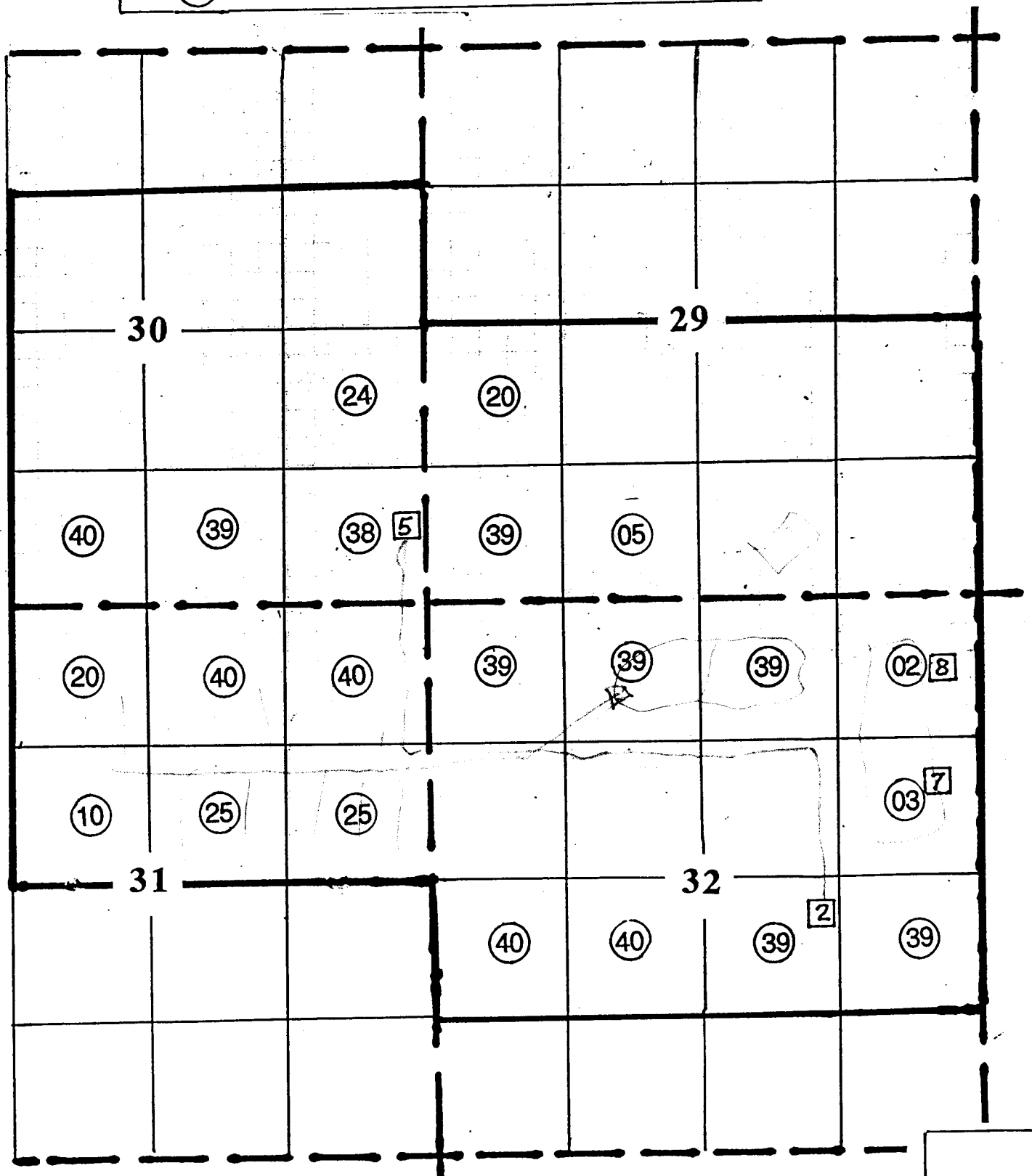
Site Boundary

Section Line (Scale 4" = 1 mile)

40-acre Tract Boundary

Well Nos. and Location

Irrigation Water Right Acreage (In 40-ac Tract)





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
DEPARTMENT OF CORRECTIONS
1299 N ORCHARD STE 110
BOISE ID 83706

RE: Water Right 6-3445 (Transfer 5314)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5314). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as an **amended preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

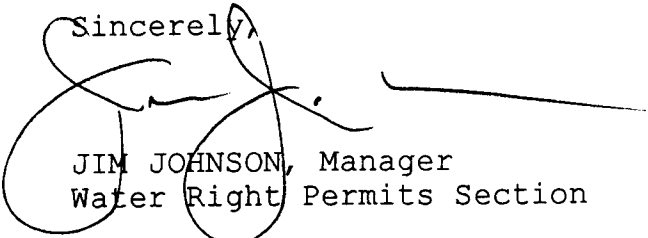
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

MACROFILMED

JAN 11 1999

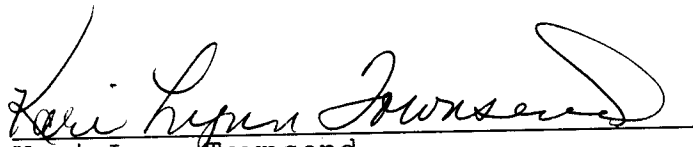
CERTIFICATE OF MAILING

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

WATER RIGHT 63-03445 (Transfer 5314)

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

**HAWLEY TROXELL ENNIS & HAWLEY LLP
RICHARD B BURLEIGH
PO BOX 1617
BOISE ID 83701-1617**


Kari Lynn Townsend
Secretary

MICROFILMED

JAN 11 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.

MICROFILMED
JAN 11 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 11 1999

MEMORANDUM

Date: December 17, 1998

To: File

From: Jim Johnson

Re: Conversation with Richard Burleigh

Richard Burleigh and I discussed the language on proposed condition listed in his letter of November 23, 1998. He agreed to the removal of “,if any” from the sentence. I informed him that an amended transfer approval would be issued containing the modified condition and sent to him directly. He was agreeable to this.

MICROFILMED
JAN 11 1999

HAWLEY TROXELL ENNIS & HAWLEY LLP

A LIMITED LIABILITY PARTNERSHIP OF ATTORNEYS AND COUNSELORS

RICHARD B. BURLEIGH

EMail: RBB@HTEH.COM

877 MAIN STREET, SUITE 1000
POST OFFICE BOX 1617
BOISE, IDAHO 83701-1617
TELEPHONE (208) 344-6000
FACSIMILE (208) 342-3829

November 23, 1998

RECEIVED

NOV 24 1998

Department of Water Resources

Jim Johnson
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

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

Re: *Water Right No. 63-03445 (Transfer 53N)*

Gentlemen:

This letter is to confirm the conversation I had today with Gary Spackman regarding water right 63-03445 (transfer 5314). After receiving the preliminary order approving the transfer, I reviewed the conditions and noticed that Condition #7 had some ambiguity included in it. I immediately contacted Glen Saxton who referred me to Jim Johnson, who in turn referred me to Gary Spackman. Gary and I then exchanged telephone calls over the next several week trying to determine the intent of condition 7. Today, November 23, 1998 Gary and I spoke for the first time in detail about the intent of Condition #7. Based on that conversation, it was concluded that it would be beneficial to revise the language of condition #7 to better reflect the intent of Idaho Resources and Idaho Law.

In particular, Condition #7 currently reads "If right 63-03445 is ever regulated, the domestic use under this right shall assume the priority date of August 11, 1998". This condition should be revised to read as follows:

MICROFILMED

JAN 11 1999

877 MAIN STREET, SUITE 1000
POST OFFICE BOX 1617
BOISE, IDAHO 83701-1617
TELEPHONE (208) 344-6000
FACSIMILE (208) 342-3829

371 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340-0297
TELEPHONE (208) 726-1700
FACSIMILE (208) 726-9743

333 SOUTH MAIN STREET
POST OFFICE BOX 100
POCATELLO, IDAHO 83204-0100
TELEPHONE (208) 233-0845
FACSIMILE (208) 233-1304

November 23, 1998

Page 2

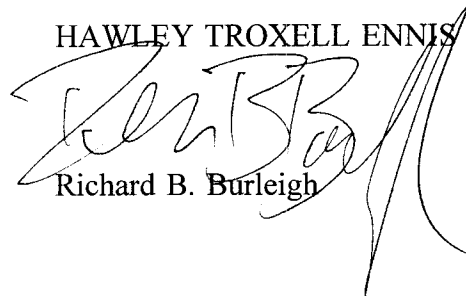
"If right 63-03445 is ever regulated, the domestic use which represents an expansion of use of water under this right, if any, shall assume a priority date of August 11, 1998".

It is my opinion that this proposed language better reflects Idaho Water Law, the intent of the Department of Water Resources and protects Department of Corrections 1965 priority date with regard to this water right.

Please let me know how we should proceed in order to clarify the language of condition #7. Thank you for your cooperation in this matter.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP



Richard B. Burleigh

RBB/tnm

cc: Jake Howard

MICROFILMED

JAN 11 1999



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

November 2, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

RE: Water Right 63-03445 (Transfer 5314)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5314). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

The Department is willing to consider reconfiguration of rights 63-03445 and 63-12296 within a reasonable time frame provided such reconfiguration would not materially impact existing right holders. Such reconfiguration proposals shall be identified on proper application forms and submitted to the department.

As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

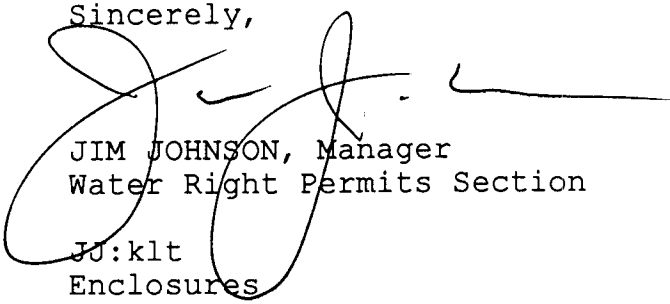
If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

MICROFILMED

NOV 06 1998

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

MICROFILMED

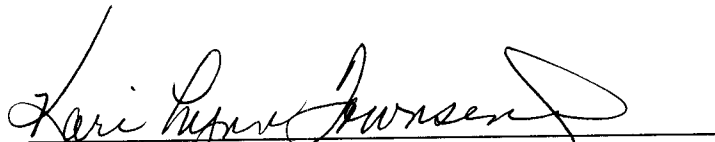
NOV 06 1998

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of **November, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 63-03445 (Transfer 5314)

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


Kari Lynn Townsend
Secretary

**MICROFILMED
NOV 06 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.

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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.

Please send a copy
of Approval to:
T5314

(208) 344-3888

KEITH E. ANDERSON

CONSULTANT IN ENGINEERING AND GEOLOGY

STATE of ID/Dept. Corrections

432 SUMMIT RIDGE, BOISE, IDAHO 83702

Copy of T5314 Mailed to Keith Anderson
11-2-98
K

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NOV 06 1998

MEMORANDUM

TO: File 63-03445

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 5314

DATE: October 29, 1998

Transfer 5314 adds and changes the points of diversion, and changes the nature, season and place of use under Right 63-03445. One additional existing well is connected to the system and two new wells are being drilled under recently approved drilling permits associated with Permit 63-12296.

The Department of Corrections is building a new prison and will cease irrigation of 112 acres to provide water for domestic and fire protection uses. The domestic wastewater will be disposed of through land application as required to meet water quality standards.

Season of use was modified to year round for domestic and fire protection uses. Diversion volumes were adjusted to meet the proposed needs of the new prison and limited to maximum provided by previous irrigation use. No expansion occurs through this transfer approval.

Recommended conditions include irrigation overlap, multiple points of diversion limits, future annual reporting, future regulation & priority advancement, land application limits, and standard transfer conditions.

Change in Nature of Use Evaluation

				<u>Div. Vol./C.U. Vol.</u>
Before:	4.74 cfs	IRR	237 Acres	1066.5 afa/829.5 afa
After:	2.50 cfs	IRR	125 Acres	562.5 afa/437.5 afa
	2.24 cfs	DOM	(112 ")	504.0 afa/392.0 afa
	<u>4.74 cfs</u>	FIRE PROTECTION		
	4.74 cfs		125 Acres	<u>1066.5 afa/829.5 afa</u>

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NOV 06 1998

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, following 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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NOV 06 1998

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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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 18, 1998

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

Re: Application for Transfer of Permit No. 63-03445 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 transfer of 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,

A handwritten signature in black ink, reading 'Gary Spackman'.

Gary Spackman

GS:st

CC: Applicant

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NOV 06 1998

Ident. No.

D0000602
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

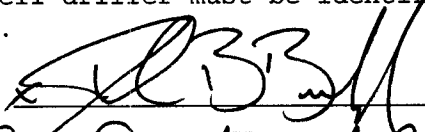
3. Proposed Use of Well: Other
PRISON

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
~~12/12/112~~

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

(Continued)

MICROFILMED
NOV 9 6 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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NOV 06 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.

Mark S. Skiff
Signature of Authorized Dept. Representative

Sec. Mgr.
Title

EXTENSION OF DRILLING PERMIT

Extension Approved by: _____

Approval Date: _____

Expires On: _____

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NOV 06 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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NOV 06 1998

Ident. No.

D0000603

63-98-C-0531-000

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 NCG
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 7/17/98

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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NOV 06 1998

(Continued)

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!

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(Continued)

NOV 06 1998

CONDITIONS OF APPROVAL:

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Signature of Authorized Dept. Representative



Title

EXTENSION OF DRILLING PERMIT

Extension Approved by: _____

Approval Date: _____
Expires On: _____

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NOV 06 1998

9/6/96

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

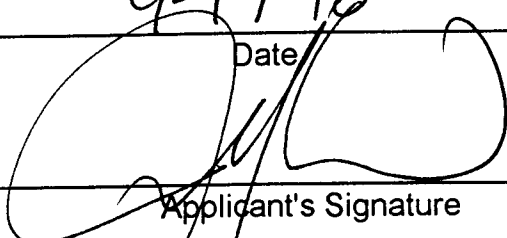
Water Right No. 63-12296 ; 63-03445 (Transfer No. 5314)

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9-17-98
Date

Applicant's Signature

Administrator of Institutional Services
Applicant's Title
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NOV 06 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

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

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SEP 17 1998

**WATER RESOURCES
WESTERN REGION**

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

Raymond D. Givens
James A. McClure
OF COUNSEL

September 16, 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 Transfer Application No. 5314
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 transfer application.

Once again, I wish to thank you and the rest of the IDWR staff, as well as the Department of Corrections (the applicant) and its counsel, 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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NOV 06 1998

CHM:baf

S:\Clients\30\89\Corr\1998-09-16 CHM Ltr to G.Spackman - Withdrawal of Protest (No. 5314).wpd

FAX COVER SHEET

DATE: Wednesday, September 16, 1998

PAGES (INCLUDING COVER): 2ORIGINAL TO FOLLOW: NORE: UWID - Dept. of Corrections
Our File No. 30-89

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.comMerlyn W. Clark, Esq.
Richard B. Burleigh, Esq.

Hawley Troxell Ennis & Hawley

342-3829

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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CONFIDENTIALITY NOTICE

NOV 06 1998

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
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Stephanie C. Westermeyer
Raymond D. Bivens
James A. McClure
OF COUNSEL

September 16, 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 Transfer Application No. 5314
Our File No. 30-89

Dear Gary:

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Once again, I wish to thank you and the rest of the IDWR staff, as well as the Department of Corrections (the applicant) and its counsel, 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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NOV 06 1998

CHM:baf

S:\Clients\30\89\Corr\1998-09-16 CHM Ltr to G.Spackman - Withdrawal of Protest (No. 5314).wpd

United Water



RECEIVED

SEP 08 1998

WATER RESOURCES
WESTERN REGION

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

September 8, 1998

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

Subject: Application For Transfer No. 5314 in the Name of the State Department of Corrections

Dear Mr. Spackman:

Enclosed is our protest fee of \$25 pertinent to the above referenced filing. United Water Idaho is unclear as to how the proposed transfer may affect its water rights in the south Boise area. We are protesting the transfer in order to reserve the right to better understand the issues involved and to satisfy ourselves that such transfer will not cause interference effects to UWID's south Boise wellfield.

During July of this year, UWID protested a new water right filing by the Department of Corrections (#63-12296) and implicitly a second filing to amend the original Application. These issues are inter-related and remain unresolved.

Sincerely,
Ed Squires
United Water Idaho

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NOV 06 1998

SD-1603-3

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 09/11/98
Time: 10:09:33

Rec/No - W024372 AR/No -
From: - UNITED WATER

Receipt Type - CK Doc/No - 127911
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 09/08/1998

Type Of Payment	Fund	FD	PCA	Obj	Subsid	Fee
TRANSFER NO. 5314, DEPT OF CORR.	229	21	62103	1155		25.00

Total Due - 25.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
-------	--------	-------	--------	-------	--------

(Enter=Continue) (GOLD7=Selection Screen) (GOLD8=Cancel)

*Protest rec'd 9/8/98, ok since 9/7
deadline was holiday.
-JR*

RECEIVED

AUG 28 1998

WATER RESOURCES
WESTERN REGIONThe Idaho
Statesman

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

LEGAL ADVERTISING INVOICE

Amount Due

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Account Number/Trans. #

Identification

047628

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Ordered By

P.O. Number

Rate

Run Dates

SUE
TAYLOR

NT

AUGUST 20, 27, 1998

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

Estimated Inches

Real Inches

Affidavits

Legal Number

1

2076

LEGAL NOTICE

PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 5314

Notice is given that IDAHO DEPT. OF CORRECTIONS of 1299 N. Orchard Suite 110, Boise ID 83706 has applied to the Department of Water Resources (IDWR) to change the Point of Diversion and Place/Nature/Season of Use pursuant to I.C. § 42-222 for the following right in Ada County (all sites listed are in T2N R2E):

License #63-03445, priority 4-16-1965, 4.74 cfs, ground water diverted in NESE S32 (IDOC well #2) and used to irrigate 237 acres in portions of S32.

Claimed in the Snake River Basin Adjudication as claim #A63-03445 as licensed except the claim includes IDOC well #5 in SESE S30.

PROPOSED CHANGE

Retire 112 acres of irrigation. Use the water from those acres to build and operate a new prison in E 1/2 of NE 1/4 S32 (currently irrigated). Add 2 new wells at prison site for prison use only. New use will be described as 2.24 cfs Domestic for year around use. Land apply waste water from prison to acres in NW 1/4 (land not in licensed place of use) and NESE S32. Continue to use 2.50 cfs from existing IDOC wells #2 & #5 to irrigate 125 acre balance in licensed place of use. All 4 wells will be used as needed for Fire Protection. Well #2 location is corrected from NESE to NWSE S32 (licensing error). Proposed change will supply about 75% of water needed for total build-out for the new prison. Remaining 25% water balance will be provided by other water right action(s) either pending before IDWR (Application 63-12296) or to follow.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 837055082, together with a protest fee of \$25 on or before September 7, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub. August 20, 27, 1998

2076

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

AUGUST 20

1998

and ending with the issue of

AUGUST 27

1998



STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 27TH day of AUGUST in the year of 1998, before me, a Notary Public, personally appeared

JANICE HILDRETH

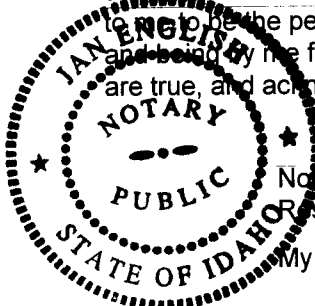
known or identified

as being 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:



NOV 6 1998

August 21, 1998

TO: Interested Parties

Re: Application for Transfer No. 5314 in the Name of the Idaho State Department of Corrections

Dear Interested Party:

Enclosed is a copy of the above-referenced application for transfer of 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 September 7, 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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ID DEPT OF CORRECTIONS
1299 N ORCHARD STE 110
BOISE ID 83706

SOUTHWEST ADA COUNTY 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

UNITED WATER ID INC
PO BOX 7488
BOISE ID 83707-1488

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

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MEMORANDUM

TO: FILE

FROM: STEVE LESTER 

DATE: AUGUST 18, 1998

RE: DEPT. OF CORRECTIONS (DOC) TRANSFER, RIGHT 63-03445

This memo replaces the one dated July 30, 1998 which was based on the first version of the transfer application. That version proposed a temporary change to provide water to build but not to run the new prison. The earlier memo with its "before and after" diagram is useful background information before looking at the latest proposal.

The new transfer application proposes to retire 112 acres irrigated by ground water to provide water to build the new facility and for up to 75% of the water needed for total build-out at the new prison.

DOCUMENTS

The application consists of 7 pages and 1 attachment utilizing the transfer pilot program form. Note the location of the following application items:

Pg. 3 & 4 - checklist to advise applicant in filing

Pg. 6 & 7 - water right and adjudication records

Attach. A - map showing uses after transfer; this is from IDWR's 1994 I-R 7.5' scale.

The application was prepared via many calls, visits and faxes involving the applicant (contact is Pat Donaldson), applicant's attorney Richard Burleigh, and IDWR.

Other information used in this review includes the worksheet and a copy of the draft SRBA findings (both attached) plus overlap information noted in the transfer file.

CURRENT RECORDS & PROPOSED CHANGE

The current license includes DOC well #2 with its full allotment of water to irrigate 237 acres. This is the only recorded right for the acres. The well site is mistakenly shown in the NESE and can be corrected as the NWSE per the 1995 SRBA field investigation. SRBA field work took place when it appeared that SRBA recommendations were close to being made; that schedule has since been revised.

The SRBA claim matches the license including the incorrect P/D. The claim also includes DOC well #5, which is the licensed well for right 63-08088 for other acres. Note that wells 2 and 5 also serve expansion claim A63-30296 discussed

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in the next section of this memo.

All of the licensed acres in NENE, SENE and NESE Section 32 will be retired except for five residual acres to cover landscaping irrigation in/near the new prison to be built in NENE and SENE. Two new wells will be drilled in the prison tracts to serve the prison, and existing wells 2 and 5 will be used to some degree in the construction and service aspects of the project, including irrigation use. Waste water from the prison will be land applied in the NW 1/4 and NESE Section 32. This is listed as "domestic" on page 1 of the application as suggested by IDWR's interim waste water policy.

The plan will deliver about 75% of the total build-out water needs for the new prison. Temporary right TP-63-22 from DOC well #3 (P/D for separate rights not associated with licensed or proposed P/U) will provide a minor amount of construction water while this transfer will provide the balance to build the prison. A copy of the temporary right is attached.

VERIFICATION & OTHER ANALYSIS

Ron Howerton's excellent 1995 draft SRBA summary (attached) documented that DOC wells 2 and 5 are joined in a common system serving 582 acres. That includes the acres licensed in 63-03445 and 63-08088 plus 33 acres in expansion claim A63-30296. See pages 4, 5, 10 and 11 from the 1995 draft. Page 5 of the draft charts the licensed and tentative SRBA acreage comparisons. Pages 4 and 10 discuss 63-03445 and 63-08088, respectively. Page 11 summarizes steps to be taken (as of 1995) by DOC.

The important conclusion at this time is that 237 acres were verified through 1987 by the draft SRBA summary. Very minor discrepancies were found in NENE and NWSE for 63-03445 but the SRBA total equals the licensed total. The same acres remain verified in the last five years per Application Attachment A, the 1994 I-R map. Therefore, the licensed acres are available for transfer without any forfeiture.

As noted in the July 30 memo, it is recommended that the transfer proceed on the licensed record instead of delving into the more complex PPOU suggested in the draft SRBA findings. The latter option is overly complex for the current need. Also, amended SRBA claims to reflect the PPOU have not been filed yet. It is preferable to use the license record, complete the transfer process, and then let DOC amend its SRBA claims later to craft the PPOU for wells 2 and 5 for use in Sections 29, 30, 31 and 32 (PPOU). The minor acreage discrepancy is not significant enough to worry about at this time - let 237 acres be recognized and re-configured in the transfer. Later, let the SRBA cover the minor mismatches, e.g.. minus 1 acre in NWSE when comparing the license and PPOU.

The remaining 25% of the full water needed for the new prison complex might be provided by pending application 63-12296, if amended, and/or by another transfer at a later date. It is acceptable to put off this question for now. The attached worksheet shows that 112 acres can provide 75% of the water needed for the total project. This will include water to build and operate the new prison by making good use of a senior priority. Not enough information is available to analyze the consumptive use impact of land application of waste water. However, it is hard to imagine that such use would exceed the

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consumptive use for 112 acres of irrigation.

Recall that permit 63-12297 covered pre-1987 development at the *existing prison*, while application 63-12296 originally was intended for post-1987 development that had been completed by 1995 plus future growth at the *existing prison*. All that has changed. The permit lapsed but is duplicated at least in part by expansion claim A63-30296. The application for permit was amended to cover the new prison site, and it may be revised again if necessary. As a tangent to the transfer application, water right/adjudication coverage at the existing prison site should be explored in more detail. DOC recently indicated that this will soon be done. These factors do not impede the transfer application for 63-03445.

RECOMMENDATIONS

1. The transfer looks approvable. Transfer approval will change the SRBA claim, which can be amended later if DOC proceeds with a PPOU involving this right. No SRBA shape file has been created yet.
2. Forfeiture is not observed in the SRBA or the current water right scenarios.
3. It is assumed that ownership and related documentation is not applicable for state land in this proposal.
4. The two new wells to be drilled should meet public water supply standards.
5. Land application of waste water should comply with DEQ standards.
6. DOC should meet with IDWR to sort out the water right/SRBA coverage for the existing prison site. Application 63-12296 for the new prison site can also be discussed to see if it should be amended. DOC has contacted Western Region to initiate such a meeting.
7. IDWR should expedite transfer processing as much as possible.

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63-03445 IDOC Transfer Worksheet

8/10/98
SL

PER 8/11/98 office visit by Pat Donaldson + Jake Howard - IDOC
Richard Burlington - attorney:

$$\approx 100\% \text{ build-out, need } \approx \frac{600,000 \text{ gpd} \times 365 \text{ days/yr.}}{325,850 \text{ g/af.}} = 672.1 \text{ AF}$$

$$\frac{672.1 \text{ AF}}{4.5 \text{ AFA/ac}} = 149.4 \text{ acres to provide full div. volume}$$

WATER NEEDS FOR START UP + BEFORE FULL DEVELOPMENT:

$$\approx \frac{450,000 \text{ gpd} \times 365}{325,850} = 504.1 \text{ AF} = 112 \text{ Acres to retire}$$

4.5 AFA/ac

$$\begin{array}{rclcl} 112 \text{ Acres} \times .02 \text{ cfs} & = & 2.24 \text{ cfs} & \text{rate} \\ 4.5 \text{ AFA} & = & 504 \text{ AFA} & \text{div. vol.} \\ 3.5 \text{ AFA} & = & 392 \text{ AFA} & \text{cons. vol.} \end{array}$$

Assumes - land apply waste water from previous
no info on how much to land apply but
if assume up to 100% cons. use volume land
applied, no expansion will occur.

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- cont. next page -
pg 1 of 2

WORKSHEET, continued

Licensed &
full allotment
per acre

Acres

cfu

— Volume AFA —

Diversion

Consumption

237

4.74

1066.5

829.5

Change
to

125

2.50

562.5

437.5

Domestic

2.24

504.0 *

392.0 **

TOTAL

125

4.74

1066.5

829.5

* Slight difference from 504.1 (previous page) due to
rounding.

** don't have method to id. species cons. use
for in-prison use (minimal cons. assumed) or
land application (max. cons. assumed derived from
AFA for acres - actual cons. use probably less than
in irrigation use)

NO EXPANSION FOUND. MICROFILMED

PROVIDES 75% OF TOTAL
BUILD-OUT NEEDS.

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PS 2 of 2

DEPARTMENT OF CORRECTIONS (DOC)

FIELD EXAM NOTES

AGENT: Ron Howerton

FX October 11, 1995 & October 18, 1995

Accompanied by: Mel Schulte, Roger Vitek and Kyle Woodland on October 11, 1995

2nd FX October 18, 1995

Accompanied by: Mel Schulte, Don Gillis

Covered irrigation from DOC wells #2 & #5, Dairy & Meat Packing Plant

Revised Date: December 27, 1995

PERSONS OF CONTACT:

1. Roger Vitek; Expert for Domestic information. 338-1635 ext 380 or pager # 384-2659
2. Victor Van Durme; Construction Supervisor, Roger's immediate supervisor, has well use figures and obtained population figures for the DOC. 336-0740 ext 5170, Fax 334-2758
3. Kyle Woodland; Expert for waste water application to lands. Phone 336-1260 (Roger introduced and Kyle came with us for most of this FX Oct. 11, 1995).
4. Don Gillis; Expert for most of the farm management (Roger introduced) set up appointment for October 18, 1995. (Farm manager) Phone 334-2815
- * The 1994 well data sheet shows the amount of water used for 2101 total of inmates plus staff. ((VVD))
- * The current population at DOC is 1710 inmates and 567 staff. Total population is 2277. ((VVD))
- * The projected population in 3-5 years is approximately 3000 inmates and 700 staff. ((VVD))

DOC WELL #1: A63-03271

1. DOC well #1 is being considered for refitting to change from a gravity system to a pressurized system.

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from RH's file
A63-03271
03445

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DEPARTMENT OF CORRECTIONS (DOC)

FIELD EXAM NOTES

2. Wheel lines are now used as primary system from pump back system to rid of waste water, which is the primary source, from the DOC sewage ponds. Pasture grass is the crop. No Ten Mile Creek Overlap.
3. Uses are irrigation as claimed however, a change in POU occurred, need evidence of date of change to additional acres in the NWNW, SWNE of S27. No expansion found. ((1968)) DG
4. Roger said may want to use this well for domestic back-up in future.
5. 200 HP, US motor, serial # 1272210.
6. Well located in the NESE, S27, T2N, R2E.
7. Evidence shown by affidavit dated 21 November 1995, submitted by Don Gillis.

Recommendations:

- A. Irrigation: The POU of this well is receiving water from land application of waste water from the sewage lagoons. The newest pond, DOC pond #7, is not shown on our USGS 1992 thus the change was after 7-31-1987. IDWR map Y9. (Reduces 16 acres of irrigation).
- * These acres could be transferred however, the license was for 228 acres for 2.92 CFS for 0.013/acre. = 1/2 inch plus.
- * My FX found 163.5 acres, now which could be recommended in the SRBA for the same licensed amount of 2.92 CFS for almost a full inch (0.02) per acre in which would be the maximum allowed for this right. = 0.018/acre = 3/4 inch plus.
- * Thus, I don't recommend that they pursue a transfer for those acres. The amount of water would be about enough for 10 acres. The license may be better to be left alone and would be a stronger right later to file a transfer of from, with 3/4 inch plus to other lands. This would come if DOC wanted to stop irrigating portions of the current POU and only use their land application irrigation water on.

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DEPARTMENT OF CORRECTIONS (DOC) FIELD EXAM NOTES

DEPT OF CORRECTIONS WELL #1
NEW POU

RIGHT NO	TNS RNG SEC			NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
A63-03271	02N	02E	21												6.5			1.5		8
			27			9			3.5	23	24	8				1.5	16			85
			28	17	18		3	10.5	22											70.5
TOTAL																				163.5
																				0
																				0
																				0

RECOMMEND: 163.5 ACRES
2.92 CFS @ 0.018 CFS/ACRE= 3/4 INCH/ACRE PLUS

OLD POU

RIGHT NO	TNS RNG SEC			NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
A63-03271	02N	02E	21												15					15
			27							30	25	12				5	22			94
			28	20	34		12	31	22											119
TOTAL																				228
																				0
																				0
																				0

OLD
RECOMMEND: 228 ACRES
2.92 CFS @ 0.013 CFS/ACRE= 1/2 INCH/ACRE PLUS

3

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DEPARTMENT OF CORRECTIONS (DOC)

FIELD EXAM NOTES

DOC WELL #2: A63-03445

1. System for irrigation is wheel lines and underground piping.
2. 500 HP G.E. motor, model # could not be read.
3. Well located in the NWSE, S32, T2N, R2E. The License had the well located in the NESE, probably due to that this well is so close to the $\frac{1}{4}$ line. I used the NAPP map, ASCS and the DOC maps to determine the location along with the field verification in deciding this recommendation.
4. New acres not covered by any license appear in S32 in the NWNW, NENW & NENE. Other new acres not covered are in S31 in the NENE. Acres covered by previous licenses that are not used anymore may cover some or all. Some of these acres not irrigated appear to be in the NWSE, NESE, SWSE & SESE of S29. Evidence of the date of change is needed. ((1977)) DG
5. Irrigation wells 2 and 5 are used to back up each other for all irrigated acres? Need evidence for the date they were valved together. ((1978)) DG
6. Evidence shown by affidavit dated 21 November 1995, submitted by Don Gillis.

Recommendations:

- A. Irrigation: PPOU recommended with expansion claim and application that can be withdrawn if expansion claim is approved.
- B. Total CFS: Same as total licensed CFS for both wells #2 & #5 @ 9.54 CFS for the expanded acre total of 582.

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DEPARTMENT OF CORRECTIONS (DOC) FIELD EXAM NOTES

DEPT OF CORRECTIONS WELLS 2 & 5

➔ NEW POU

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
A63-03445 A63-08088	02N	02E	29										20.5	39	5					64.5
			30												40	24.1		39	38	141.1
			31	23.2																23.2
			32	39.2	39		39	39	39			40	40			39	39			353.2
* +EXPAN CLAIM																				582
																				0
NEW TOTAL																				582

➔ OLD POU

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
A63-08088	02N	02E	29										23	40	20	30	10	15	40	178
			30												40	14		40	40	134
A63-03445	02N	02E	32	39			39					40	40			39	40			237
TOTAL																-39				549
CURRENT TRANSFER PROPOSED	DEPT UP			-37			-36					40	40				40			8112
	Balance			2			3													8125

582 NEW POU - 549 LICENSED ACRES = 33 EXPANDED ACRES.

237

* A63-30296

☐ = licensed tracts in 63-03445

NOTE - slight discrepancy 5.32 :
DRAFT POU N646 39.2 +.2 from license
NWSE 39 -1.0 "
- .8 acre
NOT discrepancy
Let SRBA reconciliation
handle this when
create POU

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DEPARTMENT OF CORRECTIONS (DOC)

FIELD EXAM NOTES

DOC WELL #3: A63-03487

1. Main well for domestic use, covers 600 people.
2. 500 HP, US motor, serial # 7846-T03S268R105R-2, pressure @ 52 PSI.
3. Valved from well #4 as a back-up source.
4. Water level at 496. RV
5. Uses are domestic, irrigation, fire protection, stock use also, but not covered by this license.
6. 300,000 gallon domestic storage tank & 1.5 million gallon fire protection storage tank. RV
7. Well located in the SWSWSW, S27, T2N, R2E.
8. Evidence is needed to support the date that DOC well # 4 was hooked up to DOC well # 3 for backup? ((1978)) DG
9. Evidence shown by affidavit dated 21 November 1995, submitted by Don Gillis.

Recommendations:

- A. Irrigation: Licensed for an inch per acre, found 130 irrigated acres, acres changed but not to new tracts of land thus, no accomplished date of transfer needed for irrigation. Can recommend found acres at 2.60 CFS @ 0.02 CFS/ACRE.
- B. Domestic: Recommended for 600 people @ 1.11 CFS.
- C. Fire protection: Recommended at system capacity @ 5.40 CFS.

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DEPARTMENT OF CORRECTIONS (DOC)

FIELD EXAM NOTES

DEPT OF CORRECTIONS WELL #3
NEW POU

RIGHT NO	TNS RNG SEC			NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
A63-03487	02N	02E	33	13	39	40	38													130
																				0
TOTAL																				130
																				0
																				0
																				0
																				0
																				0

RECOMMEND: 130 ACRES @ 2.60 CFS @ 0.02 CFS/ACRE
DOMESTIC @ 1.11 CFS NO ADD
FIRE PROT @ 5.40 CFS TOTAL: 5.40 CFS

OLD POU

RIGHT NO	TNS RNG SEC			NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
A63-03487	02N	02E	33	35	35	35	35													140
																				0
TOTAL																				140
																				0
																				0
																				0
																				0
																				0

OLD RECOMMEND:
140 ACRES @ 2.80 CFS @ 0.02 CFS/ACRE
DOMESTIC @ 5.40 CFS
FIRE PROT @ 5.40 CFS TOTAL: 5.4 CFS

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DEPARTMENT OF CORRECTIONS (DOC)

FIELD EXAM NOTES

DOC WELL #4: A63-07025

1. Back-up well for DOC well #3.
2. 250 HP, US motor, serial # 7258/R03P357R038R-3, pump level 490 FT. RV
3. No longer supplements irrigated land under DOC well #1.
4. Uses are domestic, irrigation, fire protection & stock.
5. POU change, evidence of date of change needed for irrigation.
6. Well located in the SESWSE, S27, T2N, R2E.
7. The land irrigated under DOC well # 4 appears to have been moved in the NWNW, NENW & SWNW, S34 to new acres that are not covered by any license. Located in S34, NENE, SWNE & SENE. These are new irrigated acres, evidence is needed when this occurred to be able to be recommended as an accomplished transfer. ((1978)) DG
8. Water from well #3 cannot go backup to well #4 into the mainline for these acres. DG & RV
9. Evidence shown by affidavit dated 21 November 1995, submitted by Don Gillis

Recommendations:

- A. Irrigation: Found 156 acres, 82 acres are transferable with evidence of date of change, 40 acres remain unchanged for a total of 122 covered by this license @ 2.44 CFS @ 0.02 CFS/ACRE. Application for permit is needed to cover the 32 new acres.
- B. Domestic: Recommended for 600 people @ 0.50 CFS add to save original licensed CFS.
- C. Fire Protection: Recommended as claimed @ 0.50 CFS add to save original licensed CFS.
- D. Recommended licensed total 3.38 CFS.

8
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DEPARTMENT OF CORRECTIONS (DOC) FIELD EXAM NOTES

DEPT OF CORRECTIONS WELL #4
NEW POU

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
A63-07025	02N	02E	34	39	39	39	5													122
																				0
TOTAL																				122
																				0
																				0
																				0
																				0
																				0

RECOMMEND: 122 ACRES @ 2.44 CFS @ 0.02 CFS/ACRE
 DOMESTIC @ 0.50 CFS ADD CFS
 FIRE PROT @ 0.50 CFS ADD CFS TOTAL: 3.38 CFS

OLD POU

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
A63-07025	02N	02E	27							22	5	4	1							32
			28				7	15	9											31
			33			40	39													79
			34		40			40	40									2		122
TOTAL																				264
																				0

OLD RECOMMEND:
 264 ACRES @ 3.38 CFS @ .013 CFS/ACRE
 DOMESTIC @ 0.50 CFS NO ADD
 FIRE PROT @ 0.50 CFS NO ADD TOTAL : 3.38 CFS

DEPARTMENT OF CORRECTIONS (DOC)

FIELD EXAM NOTES

DOC WELL #5: A63-08088

1. System for irrigation is wheel lines and underground piping.
2. 500 HP G.E. motor, model # 5K6326XC400A
3. Well located in the SESE, S30, T2N, R2E.
4. New acres not covered by any license appear in S32 in the NWNW, NENW & NENE. Other new acres not covered are in S31 in the NENE. Acres covered by previous licenses that are not used anymore may cover some or all. Some of these acres not irrigated appear to be in the NWSE, NESE, SWSE & SESE of S29. Evidence of the date of change is needed. ((1977)) DG
5. Irrigation wells 2 and 5 are used to back up each other for all irrigated acres? ((1978)) DG
6. Evidence shown by affidavit dated 21 November 1995, submitted by Don Gillis

Recommendations:

- A. Irrigation: PPOU recommended with expansion claim and application that can be withdrawn if expansion claim is approved.
- B. Total CFS: Same as total licensed CFS for both wells #2 & #5 @ 9.54 CFS for the expanded acre total of 582.

DOC WELL #6: TESTING BY BSU

1. Not used, located in the NWNWNE, S33, T2N, R2E, possible new use for additional backup for DOC wells #3 & #4.

DEPARTMENT OF CORRECTIONS (DOC)

FIELD EXAM NOTES

RECOMMENDATIONS FOR NEW FILINGS:

1. Two BENEFICIAL USE CLAIMS are recommended to be filed from DOC wells #3 & #4. One for the DAIRY uses and one for the MEAT PACKING PLANT.
 - * Date DAIRY USE started. ((AUGUST 1977)) Less than 13,000 GPD are used. SEE DAIRY LOTUS PRINTOUT. Wells, ((#3 & #4)) DG
 - * The water uses in the MEAT PACKING PLANT are less than 2500 GPD. Date was it started? ((AUGUST 1977)) Wells, ((#3 & #4)) DG
2. One EXPANSION CLAIM and one APPLICATION FOR PERMIT is recommended to cover 33 additional irrigated acres not covered by the licenses from DOC wells #2 & #5. *
3. One APPLICATION FOR PERMIT is recommended to be filed to cover future growth of population and irrigation. From DOC wells #3, #4 & #6.
 - * Several acre amounts of irrigation were found around the compound. The irrigation is not covered by any license.
 - * Any one specific date would be suspect for one date of change or expansion for these new acres.
 - * The DOC is continuously adding new buildings. Then, adding small amounts of lawn to these building areas.
 - * Thus, none of this expansion should be considered for accomplished transfer.
 - * This new application is recommended to catch all of these = small amounts of irrigation and not be considered a part of the existing licenses.

63-12296
when filed
in 1995.

* AC3-30296 filed ~

63-12297 for pre-1987 dvlp. issued but
lapsed.

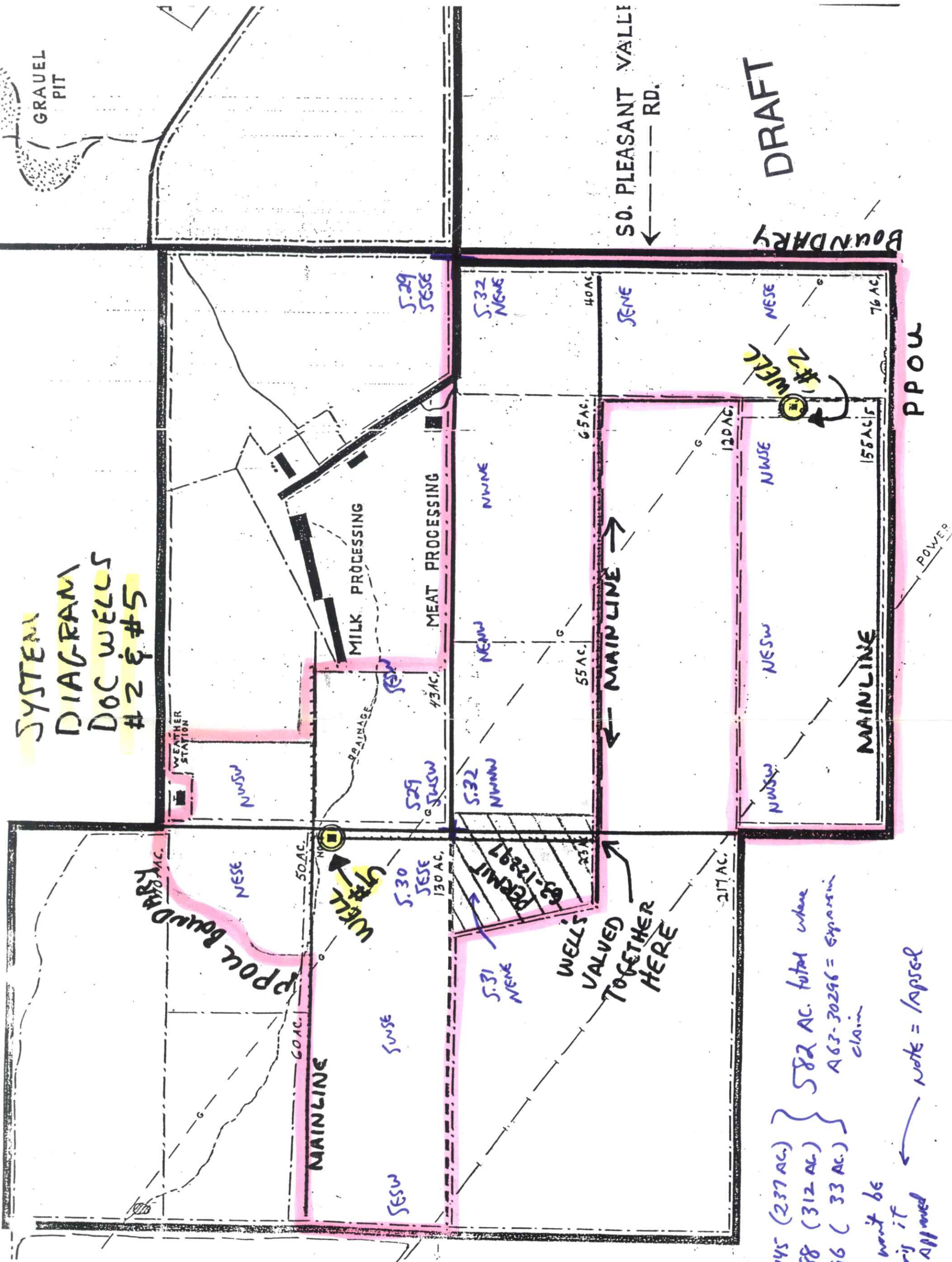
11

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DRAFT

SYSTEM DIAGRAM DOC WELLS #2 & #5



DRAFT

BOUNDARY

PPOL

from RA's file
"DOC-APPL IRR
WELLS 2 & 5"

PPOL A63-03445 (237 AC.) } 582 AC. total where
A63-08088 (312 AC.) }
A63-30296 (33 AC.) } A63-30296 = expansion
claim

Permit 63-12297 won't be
needed for irrig if
exp. claim is approved
note = 1/19/58

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

*was approved
on 8/3/98*

APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(5 AF or less)

ATTN PAT DONALDSON

Name of Applicant Idaho Department of Corrections Phone 658-2000

Post Office address STATEHOUSE BOISE, ID 83720

1. Source of water groundwater Tributary to —

2. Location of point of diversion SW 1/4 SW 1/4, Sec. 27 Township 2N, Range 2E

B.M., County Ada

3. Location of place of use E 1/2 NE 1/4, Sec. 32 Township 2N, Range 2E

B.M., County Ada

4. Proposed use of water USE 2,000-10,000 gallons/day of higher quality water from existing IDOC well #3 for new prison construction. Temporary use is needed while pending Appl. 63-12296 (proposes 2 new wells for new prison) is under review.

5. Amount of water:

Maximum rate of diversion _____ cfs or _____ gpm. } 2,000-10,000 gallons/day
Volume:
Max. daily vol. _____ AF, Total vol. _____ AF.

6. Duration of diversion: From ASAP to See items 4+10
Day-month Day-month

7. Proposed diverting works well, pump & pipeline

8. Who owns the property at the requested point of diversion? Applicant

9. Describe the arrangement allowing access to the water N/A

10. Remarks Well #3 also serves as 1 of diversion points in right nos. 63-03487, A63-30297 & A63-30298, all for existing prison operations. Well #3 will only be used for temp. use until newer wells can begin production.

I hereby acknowledge that I assume all risk if the diversion and use of the water under this approval injures other water rights. I certify this is a temporary use and that I am not seeking a continuing right to use water.

NOV 06 1998

Operations Manager

7/30/98
Date

[Signature]
Applicant

Received by JL Date 7/30/98 Time 2:01
\$50.00 fee received by JL # W029211 Date 7/30/98
Watermaster Comments received? N/A Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that the department has examined this application for temporary approval to use water under the provisions of Section 42-202a, Idaho Code, and has determined that:

- ___ a) The application for temporary approval should be denied.
- ___ b) The application for temporary approval should be approved, since
1. The temporary approval can be properly administered.
 2. Other water sources are not readily available.
 3. The approval is in the public interest.
 4. The approval will not injure known public values associated with the water source or any known water rights.

This application is therefore hereby:

- ___ a) DENIED
- ___ b) APPROVED, subject to the following conditions:

1. Diversion and use of water under this approval is subject to all valid existing water rights.
2. The applicant assumes all risk the use of water under this approval may injure other water rights.
3. This approval authorizes a maximum diversion of _____ AF and a maximum rate of diversion of _____ cfs.
4. This approval does not grant a right-of-way across the land of another, does not create a continuing right to use water and may not be used in connection with a use which requires a continuing water supply.
5. The department may cancel this approval at any time if the department identifies injury to other water rights.
6. This approval expires on _____.
7. This approval does not create a continuing right to use water.
8. The holder of this temporary permit shall not divert at a rate or in a manner that will significantly reduce the flow in the water source or otherwise adversely affect fish, wildlife or other public values.
9. Other: _____

DATED this _____ day of _____, 199__.

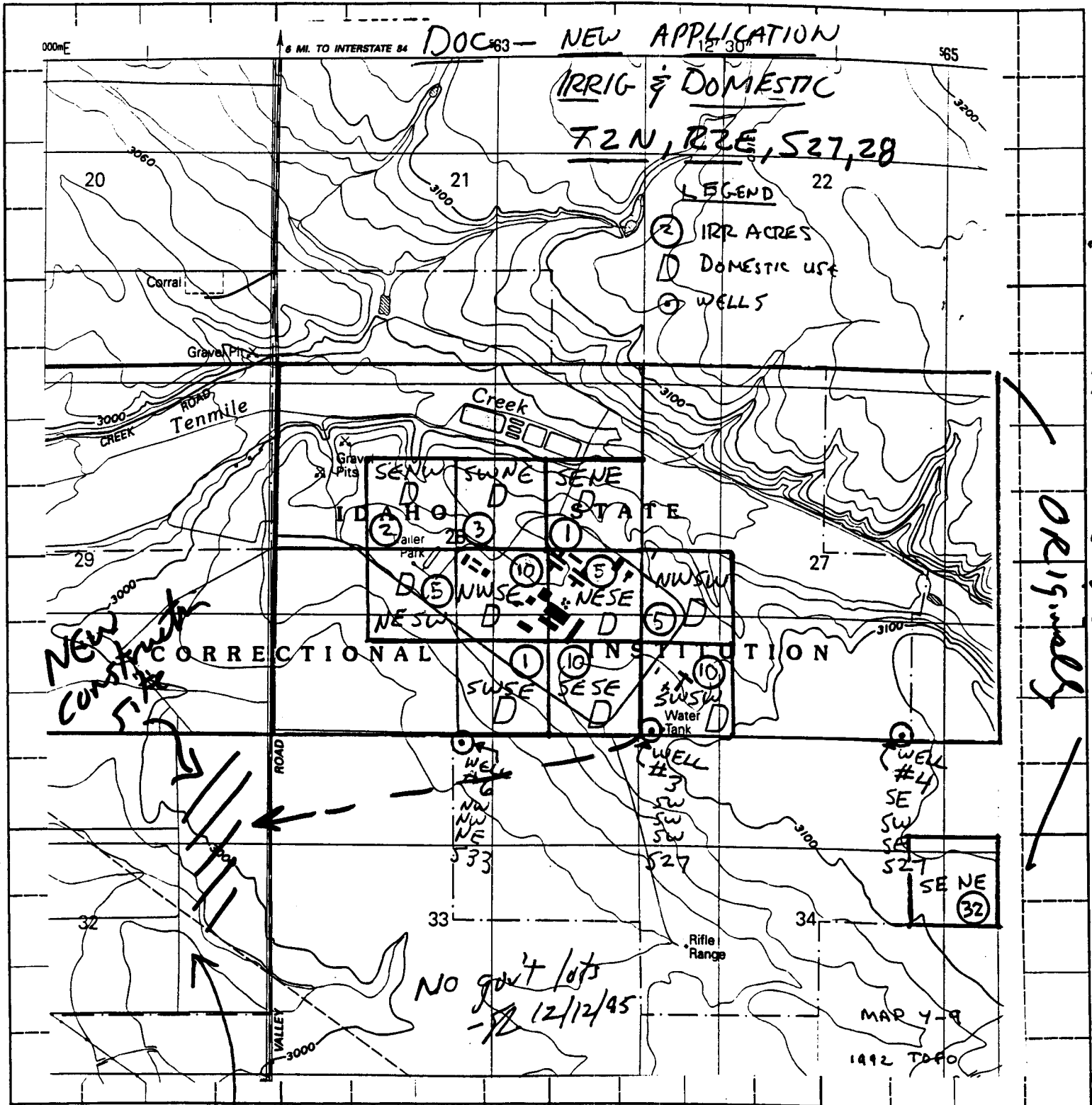
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For the Director

MAP C
from Appl.
63-12296

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



from: TP-63-22 well #3 for new construction - R 8/18/48

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

63-12296
Amended
S. 32

6 1/2 NE 1/4
- 1/1/98
(See new map)

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NOV 06 1998

James C. Spalding
(Applicant)

Temp. USB Appl

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/O overlap.

P/W - E $\frac{1}{2}$ NE $\frac{1}{4}$ & N $\frac{1}{2}$ NW $\frac{1}{4}$ now irrig per existing prison wells # 2 & 5.

- new prison bldgs will dry up almost all acres in E $\frac{1}{2}$ NE $\frac{1}{4}$, but leave a 5 ac. irrig inside prison complex.
- land Appl. wants water from new prison to acres in NW $\frac{1}{4}$.
- perhaps irrigate up to 40 acres (direct diversion from new wells) in land Appl. boundary.
- Opposes existing irrigation from DOC wells #2 & 5 will decrease to be replaced (is part at least) by some irrig. from 2 new wells.

OPTION - can file transter to change some irrig use to dom. use [A] 63-03445 & A63-30296. If a 78-5 ac. (a the existing use minus 5 ac. to be irrig a bldg. in NW $\frac{1}{4}$), could free up 73 ac. of water for new-irrig use.

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

NOV 06 1998

- OVERLAP Summary-
UPDATED 8/18/98

pg 2 of 2

CONVERSATION MEMORANDUM

DATE 7/8/98
FILE 63-12296

NAME OF PARTY _____

EMPLOYEE _____

RE: _____

Applicant selected amended appl. to permit as quickest
route to get work answer to move this process along

Might file transfer later 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?

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Overlap
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 JES 5.30

NESE (or NWSE) 5.32

237-37-36-39
= 125 AC
left

See 7/8/98 overlap summary bottom of pg 1
New ps 2 for ideas & transfer

no pld overlap per WRQ5
ATQ5

□ = land to dry up in transfer Revised 8/11/98

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WR

SD-0604-2 Township: 02N				Range: 02E	Section: 32	Tract:		Lot:	
S	L	Water	Name	STATE	O	S	Max # Records	13	
E	O	Right No.	Last, First		W	T	Priority	Use	
L	Tract	T			N	AC	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	Name	STATE	O	S	Max # Records	15	
E	O	Right No.	Last, First		W	T	Priority	Use	
L	Tract	T			N	AC	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, nlu, season?) in
6 1/2 NE 1/4 & NW 1/4,
only involves 63-03445 &
A63-30296

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P/L overlap
N 1/2 S. 32

WR5809NP
No. 63-12296

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/29/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO	12/07/1995	IRRIGATION DOMESTIC	03/15 11/15 01/01 12/31	0.900 CFS 4.230 CFS	
TOTAL DIVERSION:					5.000 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: APPLICATION

Point(s) of Diversion: T02N R02E S32 NENE SENE

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
02N	02E	32	:	02			03	:	40	40	40	40	:							
TOTAL ACRES																			165.0	

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

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 two proposed wells at new prison complex. Domestic use is for complex and includes land application of waste water in NW 1/4 S32.
Irrigation includes 5 acres at complex and possibly 40 acres in 160 acre parcel in NW 1/4 S32.
Applicant seeks a waiver of local moratorium asserting water use for a prison is in the local public interest.
Applicant agrees to mitigate consumptive use in the future as needed.

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 years.
Total population for the year 2000 is 3000 inmates and 700 staff.

Date: 12/07/1995 User-ID: RHOWERTO Subject: DOC Wells

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*Originally covered
post-1987 dupl. +
future expansions &
existing prison.
Now covers NEW
prison site with its
proposal 2 new wells.*

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

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NOV 06 1998

AJ5800M
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										
				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	:	SUM
02N	02E	21	:					:						:											:	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 D.O.C. wells # 1-5
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NOV 06 1998

AJ5889NP

ADJUDICATION CLAIM PROFILE REPORT

PAGE: 2

OWNER	PRIORITY	USE PERIOD	DIVERSION	DIVERSION
CODE NAME & ADDRESS	DATE	WATER USE	FROM TO	RATE 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

Tributary to:

Stage: LICENSE

Point(s) of Diversion:	T02N R02E S30	NESESE	ADA County
	S32	NESE	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	:	SUM
---	---	---	:	---	---	---	---	:	---	---	---	:	---	---	---	---	:	---	---	---	---	---	---	---	:	---	
02N	02E	32	:		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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NOV 06 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	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	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	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
02N	02E	27	:													:	
02N	02E	28	:			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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NOV 06 1998

AJ5809NP
No. A63-07025

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/07/98
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION 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				SUM
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	: 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	: 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	: SUM	
02N	02E	27	:	:	:	:	22	05	:	04	01	:	:	:	: 32.0	
02N	02E	28	:	:	07	:	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 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 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 Lt Ac Lt Ac			
02N	02E	27	:	:	:	:	:	:	:	D	D	:	:	:		
02N	02E	28	:	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:

NOV 06 1998

AJ5809NR
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

MICROFILMED
NOV 06 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

is correct site

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		
02N	02E	29														64.5
02N	02E	30														141.1
02N	02E	31	23													23.2
02N	02E	32	39	39			39	39			40	40			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:

*expansion claim for
33 ac in 582 ac POU*

Wells 2 + 5

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AJ5809ND
No. A63-30297

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/07/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY	WATER USE	USE PERIOD		DIVERSION	DIVERSION
		DATE		FROM	TO	RATE	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			
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	Lt Ac	Lt Ac
---	---	---	: -----	-----	-----	-----	-----	: -----	-----	-----	-----	: -----	-----	-----	-----
02N	02E	27	:					:				:		D	:

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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NOV 06 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	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
02N	02E	29	:					:				:			

PQU 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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NOV 06 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

August 12, 1998

JANICE HILDRETH
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 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
SEPTEMBER 7, 1998.

Sincerely,

Sue Taylor
Senior Secretary

Encl.

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NOV 06 1998

INTER-DEPARTMENT MEMO--1

FROM Steve Lento

TO Ftc

DATE 8/11/98

SUBJECT Original vs. Revisal Transfers

Original = 7/30/98 temporary change to provide construction
water to build prison.
Not Adversarial.

Revisal = 8/11/98 permanent change to " "
water + operation water for prison.

Moved Attach. B from original to
become Attach. A of Revisal.

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SIGNATURE

Page 1 of 7STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Transfer No. _____

Name of Applicant Idaho Dept. of Corrections Phone 558-2000
Postal address Statehouse City Borise St ID Zip 83720

ATTN Pat Donaldson

AMENDED
REPLACED

A. PURPOSE OF THE TRANSFER

1. ☒ Change point of diversion ^{clarity well #2 site} ☒ Add diversion point(s) ^{add well #5 site} ☐ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____

2. Describe reason for the proposed changes: CLARITY existing well #2 AS MUSE NOT NESE S. 32.
USE that well for balance of irrigation. Use existing well #5 for NEW use to
start construction of new prison. Use of well #5 is needed until approx
63-12296 (2 new wells proposed) can be authorized for use.

B. DESCRIPTION OF RIGHT(S), OR PORTIONS THEREOF, AFTER THE REQUESTED CHANGE (or ☐ see Attachment _____)

1.	Right No.	Priority	Amount (cfs) ac-ft)	Nature of use	Period of Use
	<u>63-03445</u>	<u>4-16-1965</u>	<u>1.56</u>	<u>Domestic</u>	<u>1/1 to 12/31</u>
			<u>3.18</u>	<u>Irrigation</u>	<u>3/15 to 11/15</u>
					to _____
					to _____

2. Total diversion rate/volume being transferred: 4.74 cfs and/or _____ ac-ft per annum

3. Source of water: Groundwater, tributary to: _____ (or ☐ see Attachment _____)

4. Points of diversion (or ☐ see Attachment _____):

Twp.	Rge.	Sec.	1/4	1/4	1/4	Lot	County	Local diversion name / Local landmark
<u>2N</u>	<u>2E</u>	<u>30</u>	<u>NE</u>	<u>SE</u>	<u>SE</u>	<u>-</u>	<u>Ada</u>	<u>Well #5 (for construction)</u>
		<u>32</u>	<u>-</u>	<u>NW</u>	<u>SE</u>	<u>-</u>	<u>"</u>	<u>Well #2 (for residential irrigation)</u>
								<u>(both are existing wells)</u>

5. Lands irrigated or place of use (or ☐ see Attachment _____):

Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>2N</u>	<u>2E</u>	<u>32</u>	<u>X</u>			<u>X</u>					<u>40</u>	<u>40</u>			<u>39</u>	<u>40</u>			<u>159</u>

X = constructed for new prison (domestic)

☐ Permissible place of use, actual acreage irrigated not to exceed _____ acres per year.

Total acres 159

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PART 1, CONTINUED

6. General information:

a. Description of new diversion system (or ☐ see Attachment _____): additional pipeline from existing well will provide constant water

b. Remarks (or ☐ see Attachment _____): Initial use up to 500,000 gallons/day, decreasing as project progresses.

PLEASE READ THIS SECTION CAREFULLY

Is there a current lien, mortgage or deed of trust on the property? _____ Yes ☒ No
If yes, please complete Part 2, item 6.

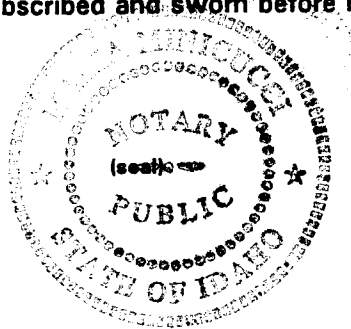
Has any portion of this right(s) undergone a period of 5 or more consecutive years of non-use? _____ Yes ☒ No
If yes, please attach an explanation of circumstances and label it as noted in Part 2, item 9(g).

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the right(s), and that the information contained in this application is true to the best of my knowledge. I understand that I am responsible for the accuracy and completeness of the application even though I may have been assisted in the preparation of the application.

I understand that any willful misrepresentation made in this application may result in voiding the transfer approval.

[Signature] OPERATIONS MANAGER
(Signature and Title of Applicant)

Subscribed and sworn before me on this 30th day of July, 1998.



[Signature]
(Signature of Notary Public)

My commission expires: 06/25/1999

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 2 attachments

Received by [Signature] Date 7/30/98 Fee \$100

Received by [Signature] Date 7/30/98 # W024211

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APPLICATION FOR TRANSFER OF WATER RIGHT ADDITIONAL DOCUMENTATION PART 2

ATTACHED (Required)

- ☒ 1. Copy of each right as presently recorded with IDWR (printout of water right or other acceptable record must include Conditions/Remarks). = pgs. 6 & 7

Complete the following items: prior consultation with IDWR staff is encouraged to simplify preparation (see "IDWR Information Sheet - Filing An Application For Transfer") as necessary for your transfer application. Label each supporting document as an attachment (A, B, etc.). Place a check mark by each item completed.

ATTACHED (enter "✓" or "N/A" for each item as advised by IDWR staff)

- N/A 2. Describe any other water rights used for the same purposes described in Part 2, item 1.
- N/A 3. Written description of present system and changes required to accommodate the proposed transfer.
4. Map(s) identifying township, range, section and 1/4-1/4 locations of pertinent items as follows:
- ☒ a) *proposed* water system showing the point of diversion, place of use, and any water conveyances such as ditches or pipelines; show irrigated acres per 1/4-1/4 if proposed; and
- ☒ b) *unchanged portion* of water system showing point of diversion, place of use and any water conveyances such as ditches or pipelines.
- N/A c) include a system diagram of the items in 3a and 3b if this is not clear on the map(s).
- N/A 5. Evidence of water right ownership for entire right or portion of right being transferred. If transferring a portion of right, provide the name and address of the owner (if not the applicant) of the unchanged portion of the right. *State of ID now; assumed don't need this*
- N/A 6. Notarized statement from holder of lien, mortgage, contract, deed of trust or any other encumbrance on the property agreeing to the transfer.
- N/A 7. Comments from county planning and zoning organization for county in which proposed water use will occur.
- SGG
IDWR
SRBA
findings (Draft as of
date of transfer appl.) 8. Comparison between water right as recorded, Snake River Basin Adjudication (SRBA) claim as recorded or current water use practices if any differences exist between any of these three categories. Explain any differences and submit supporting evidence and/or affidavits to substantiate your explanation.

- continued on reverse side -

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NOV 06 1998

see SRBA findings

PART 2, CONTINUED

9. Verification of diversion and beneficial use of water within the previous five year period. Some or all of the following items might apply:

- _____ a) most recent agricultural program crop map or aerial photo showing irrigated land before the proposed change
- _____ b) pump power records
- _____ c) water master records and/or comments if use is within a water district
- _____ d) irrigation crop reports
- _____ e) reports from other government agencies and/or qualified consultants
- _____ f) affidavits from knowledgeable third parties familiar with the history of water use for the water right being transferred
- _____ g) describe any defenses to forfeiture - CRP, extension of time, etc
- ☒ h) other....list other verification documentation for the water right below:

Also see Attch B for 1994 I-R photo showing irrigation.

☒ **10. For a change in nature of use of part or all of the water right, complete and attach Part 3 of the transfer application.**

N/A **11. Identify any other documentation that clarifies the transfer application:**

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APPLICATION FOR TRANSFER OF WATER RIGHT

CHANGE IN NATURE OF USE DESCRIPTION

PART 3

A. CHANGE IN NATURE OF USE

1. New Nature of Use	Period of Use	Diversion Rate (cfs)	Annual Diversion Volume (acre-feet)	Annual Consumptive Use Volume (acre-feet)
<u>Domestic</u>	<u>1/1</u> to <u>12/31</u>	<u>1.56</u>	<u>?</u>	<u>?</u>
_____	_____ to _____	_____	_____	_____
_____	_____ to _____	_____	_____	_____

2. ☐ If present water use is other than irrigation, attach an estimate of the annual volume of water that has been consumptively used. Also, provide justification for the estimate.
3. ☐ Attach copy of design report or system design supporting required water flow rates and volumes for the new use. Describe attachment(s):

An unknown percent of the irrigation component for 78 rows
will be used at the rate up to 500,000 gpd for construction. The
need for water will diminish as project progresses.

4. If water or waste will be discharged from project, describe quantity, quality and location of the discharge:

Water to be used for dust control, compaction & other general
construction projects. This transfer will not be needed once
Appl. 63-12296 is approved. IDUC will consider other poss. th
uses for the water now serving 6 1/2 N 6 1/4 S 32 at a later date.

5. Describe measures that will be taken to prevent impacts to other water uses and water users:

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WR5809NP
No. 63-03445

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/29/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	IDAHO STATE PENITENTIARY	04/16/1965	IRRIGATION	03/15 11/15	4.740 CFS	1066.50 AFA
TOTAL DIVERSION:					4.740 CFS	1066.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T02N R02E S32

NESE

ADA County

Place of use Legal Description for: IRRIGATION

NE								NW								SW								SE								
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	SUM			
02N	02E	32	39				39									40	40							39	40				237.0			
TOTAL ACRES																												237.0				

Pou County: ADA

Dates: App. Received: Priority Date: 04/16/1965
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 09/12/1979

Misc: Water District Number: Field Exam Fee:

Audit: 04/08/85 05/01/88 CONVERT

licensed @ .02 cfs/ac.
4.5 AFA/ac.

78 ac = 1.56 cfs
351 AFA

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PS 6 of 7

AJ5809NP
No. A65-88445

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/29/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY	WATER USE	USE PERIOD		DIVERSION	DIVERSION
		DATE		FROM	TO	RATE	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 NESESE
S32 NESE

ADA County
ADA County

Place of use Legal Description for: IRRIGATION

Plate of use legal description for: 11																					
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

POU County: ADA

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: GEN STATE PENITENTIARY WELLS NO AND 65

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag: C

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Pg 2 of 2

SRBA claim showing 2 wells for licensal some.
Wells 2 & 5 are noted.

Should S. 32 well be NWSE or NWSE?
Answer per RH's file docs.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/29/98

PAGE: 1

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
S32NESESE
NESEADA County
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	Lt Ac	Lt Ac	SUM
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

MICROFILMED
NOV 06 1998

B 242

SRBA claim showing 2 wells for licensal acre.
Wells 2 & 5 are noted.

Should S. 32 well be NWSE or NESE?
Answer per RH's file docs.

For Transfer of 63-03445
 Disregard Typol "WELL
 No. 1 & 2" in E 1/2 NW 1/4
 (that's for proposal 63-12296)

USE WELL #5 (pl 63-08088)
 for temp construction.

USE WELL #2 for 159
 New balance of
 irrig. in S. 32

Transfer of
 63-03445

Attachment A

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 NOV 06 1998

Handwritten
 labels

63-12296
 Amendment

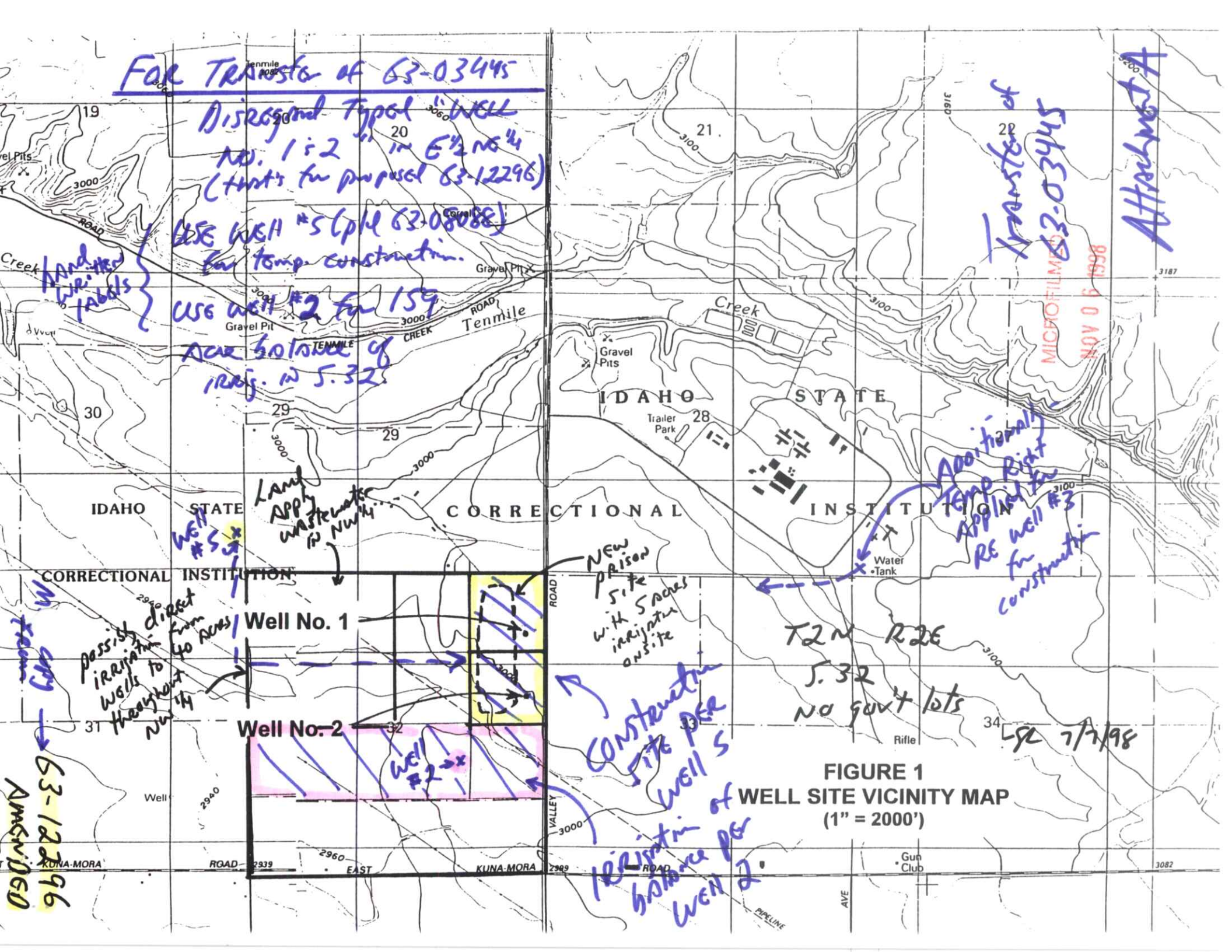


FIGURE 1
 WELL SITE VICINITY MAP
 (1" = 2000')

**NOTICE OF PROPOSED CHANGE OF WATER
RIGHT, TRANSFER NO. 5314**

Notice is given that IDAHO DEPT. OF CORRECTIONS of 1299 N. Orchard Suite 110, Boise ID 83706 has applied to the Department of Water Resources (IDWR) to change the Point of Diversion and Place/Nature/Season of Use pursuant to I.C. § 42-222 for the following right in Ada County (all sites listed are in T2N R2E):

License #63-03445, priority 4-16-1965, 4.74 cfs, ground water diverted in NESE S32 (IDOC well #2) and used to irrigate 237 acres in portions of S32. Claimed in the Snake River Basin Adjudication as claim #A63-03445 as licensed except the claim includes IDOC well #5 in SESE S30.

PROPOSED CHANGE

Retire 112 acres of irrigation. Use the water from those acres to build and operate a new prison in E 1/2 of NE 1/4 S32 (currently irrigated). Add 2 new wells at prison site for prison use only. New use will be described as 2.24 cfs Domestic for year around use. Land apply waste water from prison to acres in NW 1/4 (land not in licensed place of use) and NESE S32. Continue to use 2.50 cfs from existing IDOC wells #2 & #5 to irrigate 125 acre balance in licensed place of use. All 4 wells will be used as needed for Fire Protection. Well #2 location is corrected from NESE to NWSE S32 (licensing error). Proposed change will supply about 75% of water needed for total build-out for the new prison. Remaining 25% water balance will be provided by other water right action(s) either pending before IDWR (Application 63-12296) or to follow.

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 on or before September 7, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Idaho Statesman on August 20 and 27, 1998.

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NOV 06 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 ~~needs~~ needs.

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

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

MICROFILMED

NOV 06 1998

MEMORANDUM

TO: GARY SPACKMAN AND NORM YOUNG

FROM: STEVE LESTER *SL*

DATE: JULY 30, 1998

*this memo applied to
original transfer appl. filed
on 7/30/98.*

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.

MICROFILMED

NOV 06 1998

— SEE 8/12/98 memo for updated info —

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

NOV 06 1998

NEW PRISON SITE - "BEFORE & AFTER"

-52 7/30/88

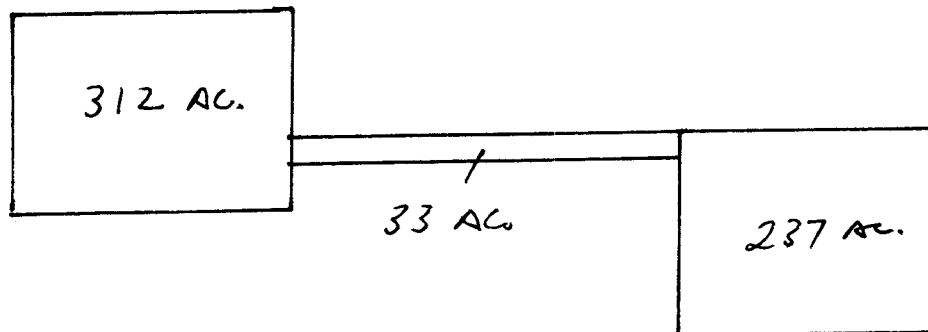
LICENSED

WELL #5
63-08088
312 AC.

← SEPARATE
systems →

WELL #2
63-03445
237 AC.

DRAFT SRBA
Findings



WELLS 2 & 5 integrated

into 582 PPOU where:

63-03445 = 237
63-08088 = 312
63-30296 = 33 (EXPANSION CLAIM)
582

Expansion claim 63-30296 may replace lapsed

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

63-12297
(for development
to 11/1987)

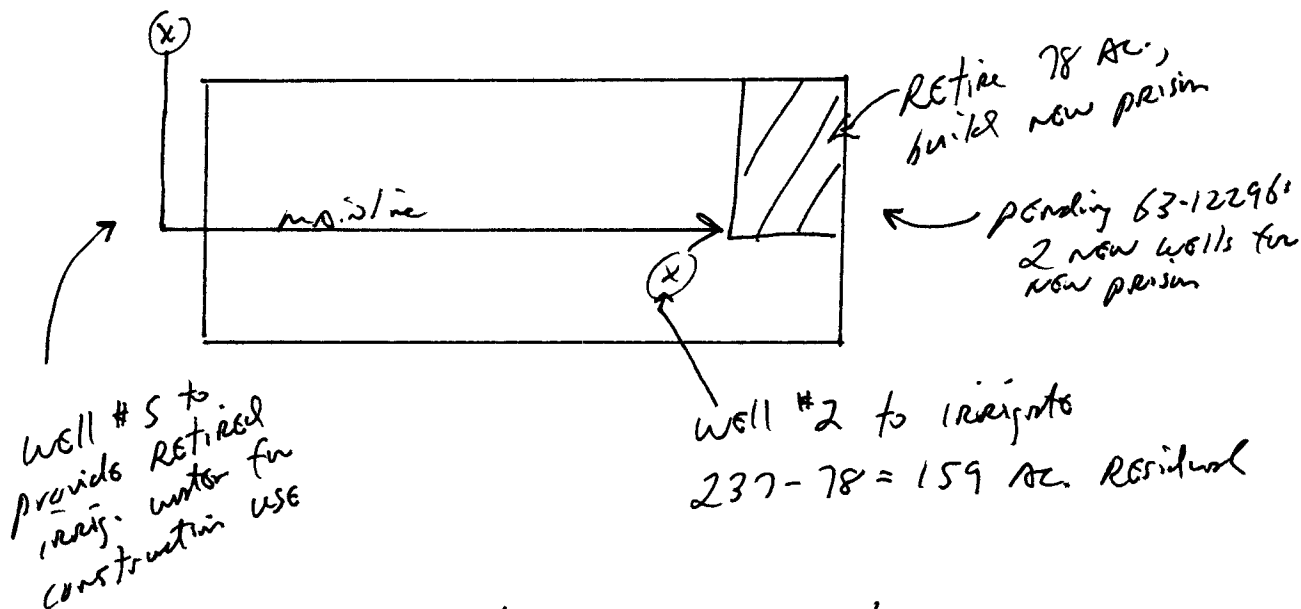
diagrams are for illustration purposes - do not
represent actual shapes of integrated parcels.

MICROFILMED

NOV 06 1998

AS 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 TRBA FINDINGS

PPUR w/ 2 wells:

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

MICROFILMED
NOV 06 1998

AMEND CLAIMS A63-03445, A63-08088 & A63-30296
AS NEEDED FOR WELLS 2+5 FOR
RESIDUAL PPUR, irrigation use.

AS 2 of 2

-SL
1/30/98

STATE OF IDAHO
DEPARTMENT OF
CORRECTION

PLANNING & BUILDING
OPERATIONS

PAT DONALDSON
CONSTRUCTION SUPERVISOR

1299 N. ORCHARD, SUITE 110
BOISE, ID 83706
FAX: (208) 327-7404

PAGER: (208) 387-9243
PHONE: (208) 658-2900

← NOTE NEW
phone/fax
Nos.
332-
8294
per 8/11 update

Office in midst of
Re-locating to Syringa
Bank bldg.

USE Statehouse mail unless
notified otherwise.

CONSTRUCTION SUPERVISOR
FOR IDOC NEW PRISON

MICROFILMED
NOV 06 1998

CONVERSATION MEMORANDUM

DATE 7/28/58

FILE _____

NAME OF PARTY Pst Donaldson - IOOC

EMPLOYEE fr

RE: Construction Water for New Prison

Dry up some plan 63-03445 / A63-30296 to
build new prison.

NG62 c 400-500,000 gpd for quite awhile.

" " 2-10,000 gpd for short period - cleaner

water from well #3 re concrete needs etc.

while dep. & w.e. issues pending in 63-12296.

1) transfer c 63-3445 / A63-30296? \$100

2) temp wr (SS A) for well #3? \$50

w) request for immediate ok to use H2O for
construction.

APPT. then 7/30 at 1:00 to f.t.

following comes y g.s. - why so much H2O
400,000 gpd? is that correct or error?

MICROFILMED

NOV 06 1998

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse -- Annex 2
Boise, Idaho 83720
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

November 21, 1973

Re: Permit No. 32333/63-3445

Idaho State Penitentiary
Idaho State Board of Correction
Box 7309
Boise, Idaho 83707

Gentlemen:

Enclosed herewith is a copy of the Water License issued on the above referenced permit.

We are also enclosing a copy of the approved amendment along with Receipt #13281 in the amount of \$10.00.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jfr

Enclosures

63 3445

October 11, 1973

RE: Water Permit No. 63-~~3~~445

Idaho State Board of Correction
Idaho State Penitentiary
Box 7309
Boise, Idaho 83707

Gentlemen:

On September 21, 1973, we wrote to your Department and requested an amendment on Permit No. 63-3445. Today we received this amendment but did not receive the \$10.00 filing fee. Would you please remit this amount as soon as possible so a water license can be issued.

Very truly yours,

(Mrs.) ELEANOR J. WOODS
Records Supervisor

EJW:e

63 3445

EXPENDITURE VOUCHER

AUDITOR USE

WHITE - State Auditor
 YELLOW - Remittance Advice
 PINK - State Auditor then Agency
 GOLDENROD - Agency Copy

STATE OF IDAHO
 Office of State Auditor

Document No.	
Pre-Audit	Date
	NOV 2, 1973
Warrant No.	
229012	

2124	
Date	October 16, 1973
Code	40.02

AGENCY NAME: Idaho State Board of Corrections
 PENITENTIARY

PAY TO Department of Water Administration
 614 State Street
 Statehouse - Annex 2
 Boise, Idaho 83702

CHECK ONE:

(X) MISCELLANEOUS EXPENDITURE
 () STATE CONTRACT

() PURCHASE ORDER
 () MISCELLANEOUS ENCUMBRANCE REQUISITION

Encumbrance Reference No.

PAYMENT: () PARTIAL () FINAL

LINE No.	PROGRAM			FUND	CLASS		DESCRIPTION (Include Quantity)	COMPLETE ONE		AGENCY USE
	MAJ	MIN	ELE		MAJ	MIN		%	LINE AMOUNT	
1	01	02	121	001	81	11	Filing Fee for a Water License per permit no. 63-3445. Letter Dated 10-11-73		10.00	
TOTAL								100%=	10.00	

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

63 3445 State Auditor

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

September 21, 1973

Idaho State Board of Correction
Idaho State Penitentiary
Box 7309
Boise, Idaho 83707

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 32333/63-3445 and has found the following:

Quantity of water diverted: 6.19 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 4.74 cfs

The maximum quantity diverted shall not exceed 1,066.5 acre feet per year.

Beneficial use: Irrigation of 237 acres within the E1/2NE1/4, N1/2SW1/4, N1/2SE1/4 Sec. 32, Twp. 2 N, Rge. 2 E, B.M.

Point of diversion: NE1/4SE1/4 Sec. 32, Twp. 2 N, Rge. 2 E, B.M.

Priority date established: April 16, 1965

The place of use found by our field examiner differs from that listed under your permit, therefore, it will be necessary for you to amend the permit before a Water License can be issued. We are enclosing a partially completed application for amendment for your use. Please sign the application and return it to this office with a \$10.00 filing fee within 10 days of the date of this letter in order that we may issue a water license as set forth above.

If you do not concur with these findings or have any questions, please contact this office within the 10 day period.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg
Enclosure

63 3445

63 3445

29
32

29 28
33

81
50.2

4.6

38

2
36.8

39

40

40

40

OP

39

O. A. Dodsen

32

5

32 30
5 4

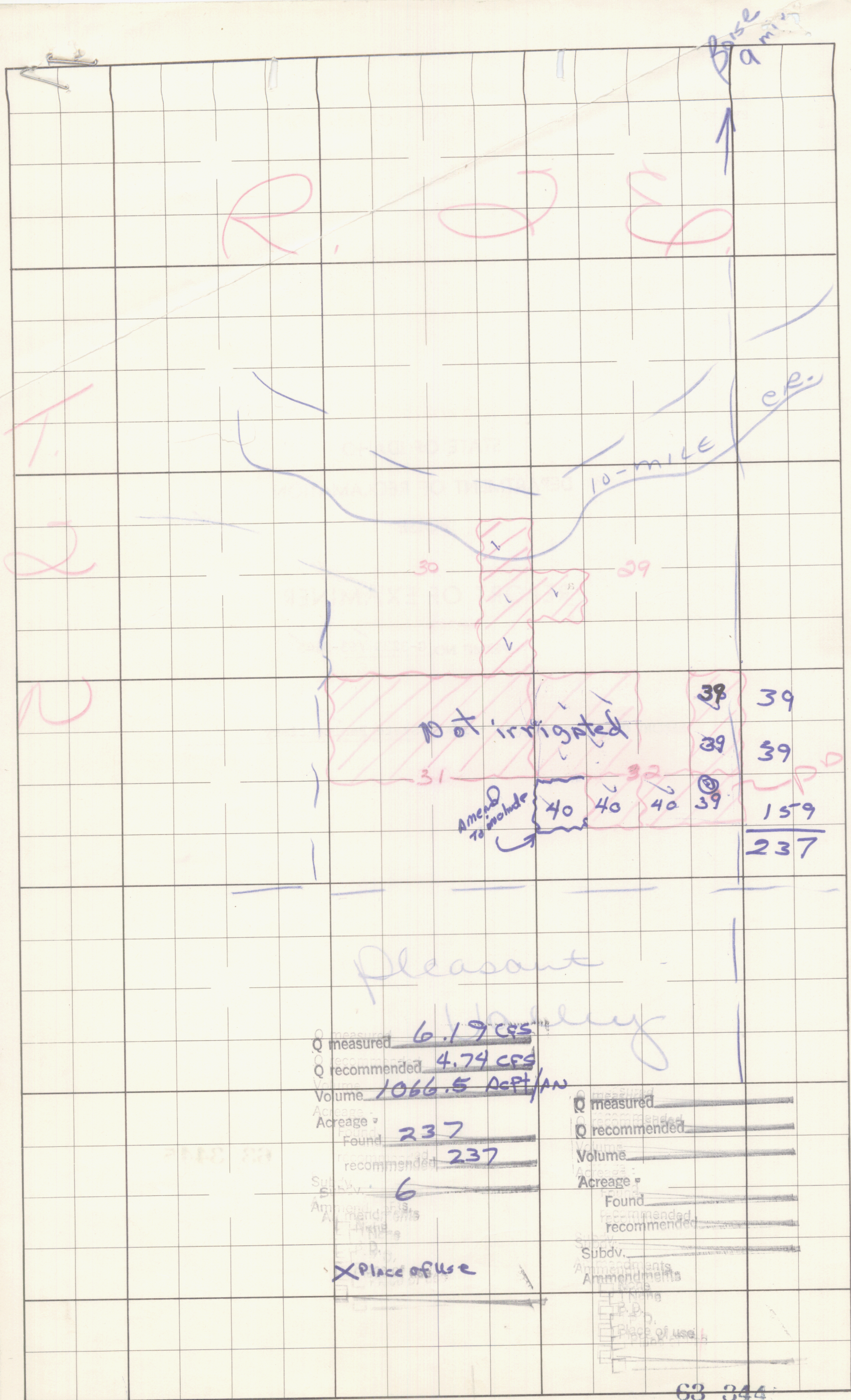
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-32333/63-3445

REPORT ON PROOF OF b/u - Idaho State Penitentiary

63 3445



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-32333/63-3445

This proof is for b/u - 667 cfs. 6.7 p.u. In Water District No.

1. Name of applicant. Idaho State Penitentiary, Box 7309, Boise, Idaho

2. Source of water supply: ground-water

3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32 } PP is Correct
T. 2 N R. 2 E County of Ada

4. Describe works as they exist, giving dimensions and capacities of same:

PROOF - electric or natural gas motors, pumps, sprinkling irrigation

GE 500 HP 440 Volt 1770 RPM Ser No DAI 407011
Layne Pump #4206 12" discharge to Ys with Check
And Gate Valves to Disperse Water to places of use

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

2 N, 2 E, Sec. 29 NW $\frac{1}{4}$ SW $\frac{1}{4}$ (40) irrigated 220
Sec. 30 SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ (120)
Sec. 31 N $\frac{1}{2}$ (320)
Sec. 32 E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ (360) TOTAL - 840 acres

proof same

$Q = 18$ lines @ 60 psi with $5/32$ nozzles (32 heads/line) = 6.19 cfs
 $V = (4.5)(237) = 1066.5 \text{ A-cft/ANN}$
 $A = 237 \text{ Acres}$

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: PROOF - All this land needs water for irrigation. It is anticipated other wells will be drilled as the need requires.

All irrigation is within ~~the~~ Sec 32
Amend to include NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 32 T2N R2E

This examination was made on the 20 day of July, 1972

(Signed)

[Signature]
Examiner.

DATE

EXAMINATION RECORDS

by:

by:

by:

by:

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

63 3445

Permit No. G-32333/63-3445

Examination for b/u - Idaho State Penitentiary

County Ada

Quantity: 667 cfs Sec. 32 T. 2 N. R. 2E

Source: ground-water

P.D.: NE $\frac{1}{4}$ SE $\frac{1}{4}$

Use: irrigation

Extension:

Remarks:

Completion of Work:

Other Rights:

Filed: 4-16-65 Made: 12-22-69
Due: 4-23-70 Priority: 4-16-65
Due: C.H.K.O. yds

603-3445

IDAHO STATE BOARD OF CORRECTION

IDAHO STATE PENITENTIARY
BOX 7309, BOISE, IDAHO — 83707
Phone 343-6421

DON SAMUELSON
GOVERNOR

A. W. Naegle, Chairman
William J. Dee
Robert L. Rice



RECEIVED
JAN 9 1970
Department of Reclamation

Raymond W. May,
Director

January 8, 1970

Donald W. McEldowney
Appropriation Examiner
Department of Reclamation
Statehouse

Dear Mr. McEldowney:

In regards to your examination, per your letter of January 5, 1970, please contact Mr. Drew Sargent to obtain any help that you might need.

Very truly yours,


Raymond W. May
Director, Board of Corrections

32333
62-3445

January 5, 1970

Re: Permit No. G-32333/63-3445

Raymond W. May
Idaho State Penitentiary
Department of Correction
Statehouse

Dear Mr. May:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from this Department.

We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination. If someone other than yourself should be contacted, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

32333
63-2445

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

December 24, 1969

RECEIVED

DEC 29 1969

DIRECTOR
IDAHO CORRECTIONS

Re: Permit No. G-32233/63-3445

Raymond W. May
Department of Correction
Idaho State Penitentiary
Box 7309
Boise, Idaho

RECEIVED

Department of Corrections

Dear Mr. May:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for permit G-32233/63-3445.

Before a license can be issued you must submit an affidavit of publication to this department. The affidavit of publication may be obtained from the Idaho Daily Statesman, Boise, Idaho, (after December 25) upon payment of the bill of publication.

Prior to the issuance of the license a field examination must also be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system. If someone other than yourself should be contacted by the examiner, please advise.

Very truly yours,

A handwritten signature in cursive script, reading "Donald W. McEldowney".

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

AFFIDAVIT ATTACHED. JMB

32333
63-3445

December 24, 1969

Re: Permit No. G-32233/63-3445

Raymond W. May
Department of Correction
Idaho State Penitentiary
Box 7309
Boise, Idaho

Dear Mr. May:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for permit G-32233/63-3445.

Before a license can be issued you must submit an affidavit of publication to this department. The affidavit of publication may be obtained from the Idaho Daily Statesman, Boise, Idaho, (after December 25) upon payment of the bill of publication.

Prior to the issuance of the license a field examination must also be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system. If someone other than yourself should be contacted by the examiner, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

63-3445
32233

December 10, 1969

Re: Permit No. G-32333/63-3445

Raymond W. May
Idaho State Penitentiary
P. O. Box 7309
Boise, Idaho

Dear Mr. May:

The legal notice for the above referenced permit is being published in the Idaho Daily Statesman, Boise, Idaho, on December 18 and December 25, 1969.

You will be required to submit an affidavit of publication to this department. The affidavit may be obtained from the above mentioned newspaper upon payment of the bill of publication.

Thanking you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

32333
62-3145

December 10, 1969

Re: Permit No. G032333/63-3445 - Idaho State Penitentiary

Idaho Daily Statesman
300 North 6th Street
Boise, Idaho

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact the Department of Reclamation immediately.

The expense of the publication is to be paid by Raymond W. May,
Idaho State Penitentiary, Box 7309, Boise, Idaho 83707,
to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Legal Notice (1)

63-3445
32333

RECEIVED
DEC 9 1969

Department of Reclamation

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that the Idaho State Penitentiary, Box 7309, Boise,
Idaho, has received an approved permit No.
G-32333/63-3445 issued by the Idaho State Reclamation Department authorizing the
diversion stoppage of 6/67 cubic feet per second about 1/1000 of 1 cfs
of water from a ground-water source
subject to all prior rights. The priority to be established under this permit is
April 16, 1965 and the permit was approved April 23, 1965.
Water is to be diverted by well, motors, pumps and sprinklers
from a point within the NE 1/4, Sec. 32, T. 2 N, R. 2 E, B. M.,
Ada County
to be used for irrigation
in the NE 1/4,
NW 1/4, E 1/4, NE 1/4 SW 1/4, N 1/4 SE 1/4, Sec. 32; NW 1/4, Sec. 31; SE 1/4 NE 1/4, E 1/4 SE 1/4,
Sec. 30; NW 1/4 SW 1/4, Sec. 29, T. 2 N, R. 2 E, B. M.

Proof of the application of the water to beneficial use is to be submitted to the
department on or before April 23, 1970. Any protests against
the issuance of a license for the above referenced permit should be filed with the
Department of Reclamation within ten (10) days of the last date of publication of
this notice or prior to the licensing of the permit. Licensing may commence prior
to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Idaho Daily Statesman, Boise, Idaho, on
December 18 and December 25, 1969.

State Reclamation Engineer:

Permit No. G-32333/63-3445

You are hereby authorized to have the attached notice published at my expense in
the Idaho Daily Statesman of Boise, Idaho;
published in the county in which the works are situated.

Raymond W. May
(Signature)

P.O. Box 7309
(Address)

Raymond W. May

Boise, Idaho
(Date)

32333
63-3445

December 1, 1969

Re: Permit No. G-32333 (New No. 63-3445)

Idaho State Penitentiary
Box 1719
Boise, Idaho

Gentlemen:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department, stating that you have been issued a permit. ~~and are now submitting proof of beneficial use.~~ Previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Order
Advertising package

32233
63-3445

July 15, 1965

Re: Permit Nos. G-32333; G-32252

Idaho State Penitentiary
Box 1719
Boise, Idaho

Attn: Warden L. E. Clapp

Dear Mr. Clapp:

Following our visit to your new prison site yesterday, I have reviewed the files and requirements of this office with regard to your proposed reservoir. You hold Permit No. G-32333 which provides for diversion of 6.67 c.f.s. from a well in NE¼SE¼, Sec. 32, T. 2 N., R. 2 E., B. M. to be used to irrigate 840 acres of land, as follows:

Sec. 32

E½ NE¼
NE¼ SW¼
N½ SE¼

Sec. 31

NE¼
NW¼

Sec. 30

SE¼ NE¼
E½ SE¼

Sec. 29

NW¼ SW¼

Therefore, as long as the water from the well is used on these lands and the reservoir does not exceed 100 acre feet capacity with a 10 ft dam, no amendment would be required. If, however, you build a larger reservoir the Idaho Code requires prior approval of

32333

7-15-65

plans and specifications by this office.

I also understand that you have found it necessary to change the point of diversion of one of the wells on your other Permit G-32252. I am enclosing a form which you should use to report this change.

Very truly yours,

R. Keith Higginson, Assistant
State Reclamation Engineer

RKH:ew

Enc. Amendment form

C
O
P
Y

3 23 33

May 4, 1965

Re: Permit No. G-32333
Idaho State Penitentiary

Mr. L. E. Clapp, Warden,
Idaho State Penitentiary,
P. O. Box 1719,
Boise, Idaho.

Dear Mr. Clapp:

We enclose Permit No. G-32333 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

~~We also enclose Departmental Receipt No. _____~~
~~which was issued covering payment in the amount of \$ _____~~
~~for the filing fee of the above mentioned permit.~~

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

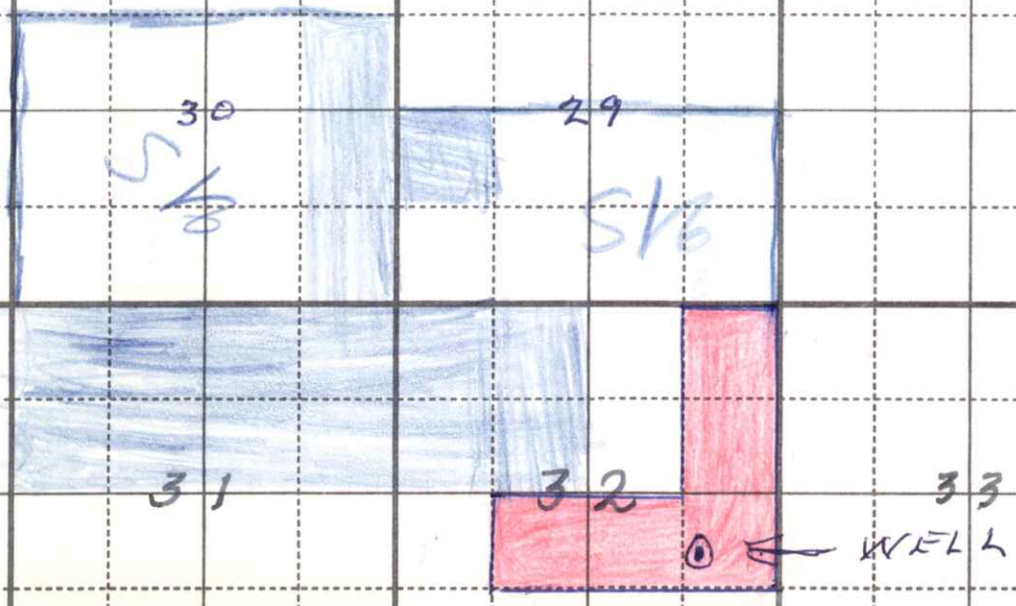
(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

P.S. You will note, under Question 10, that we have changed the required time for completion of works and complete application of the water to the proposed use to five years. However, you may make the required proofs at any time you are prepared to do so within that time.

32333

Permit Map No. 32333
As Approved APR 23 1965
CARL E. TAPPAN
State Reclamation Engineer



T2N R2E

April 16, 1965

Re: Application for Permit

L. E. Clapp, Warden
Idaho State Penitentiary
Box 1719
Boise, Idaho

Dear Sir:

Enclosed is your application for permit.

You claim 3,000 cubic feet per minute of water from a well to irrigate 200 acres of land.

State Statutes provide that a maximum of 0.02 cubic feet per second per acre of land may be allowed by this office except more may be allowed upon proof that more is needed.

That would be 4.0 c.f.s. as amount allowable.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. application for Permit

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