

HEARING EXHIBIT LIST *Protestant*

IN THE MATTER OF APPLICATION FOR
 PERMIT TO APPROPRIATE WATER NO.
 63-32003, IN THE NAME OF MARLIN LAND
 OWNERS, LLC (formerly SHERFIRE
 PROPERTIES/JIM SHERVIK)

February 16, 2006
 Conducted by Gary Spackman

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF	EVIDENCE
		INTRODUCED	ADMITTED
A	2-13-2006 letter from Gersin livestock to Gary Spackman		NO* <i>*retained in the file, but not</i>
B	2-13-2006 letter from Roland Morrison to Gary Spackman		NO* <i>part of the hearing record.</i>
C	3 Well IDs		Stip
*D	Bd of County Commissioners, Findings of Fact, Conclusions of Law		Stip <i>with drawn by Gary</i>
E	Overview of Hydrogeologic conditions		Stip
F	Memo to Canyon Co. P# 2 Dept. 1-3-1993		Stip
G	page 4 - SPF report - location map		✓
H	Well 106 drillers report - David # margree BHW 8-10-92		✓
I	Kornforth well drillers report 8-1-89		✓
J	Full copy of document Exh D		Stip
K	Problems with wells		Stip

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

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-32003)

SERVICE OF DOCUMENTS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of February, 2006, a true and correct copy of the following documents were served by delivery in person to the IDWR Hearing Officer and the parties of record listed below.

Documents Served:

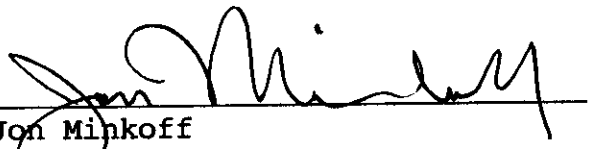
- 1) Letter from Marie Bulgin and Jerry Cereda, owners of adjacent land west of West River Subdivision (WRS), February 13, 2006.
- 2) Letter from Roland Morrison, owner of adjacent land north of WRS (and "Blew Well" near WRS Well #2), with Well Driller's Report (not in SPF report), February 13, 2006.
- 3) Well Driller's Reports for Kirtley (July 2005), Colosky (Feb. 1993), and Thompson (Minkoff) (Sept. 1982) (not in report).
- 4) Testimony by civil engineer Parry Harrison before the Canyon County Board of County Commissioners on September 7, 2004.
- 5) Report by hydrogeologist Timothy Mosko, entitled "Overview of Hydrogeologic Conditions in the Knighton Hills Subdivision and Surrounding Area," May 7, 1994.
- 6) Memorandum to P & Z by Trish Valeschini on Knighton Hills Subdivision well and water level problems, January 3, 1993.

SHERFIRE PROPERTIES
ATTN JIM SHERVIK
984 W CORPORATE LN STE 201
NAMPA ID 83615

J REESE LEAVITT
LEAVITT & ASSOCIATES
1324 1ST ST S
NAMPA ID 83651

MARLIN LAND OWNERS LLC
JOHN M MARSHALL
GIVENS PURSELY LLP
601 W BANNOCK ST
BOISE ID 83702

IDWR - WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705-5082


Jon Minkoff
11648 Eva Lane
Caldwell, ID 83607

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

1. WELL TAG NO. D 0039408

DRILLING PERMIT NO. _____

Water Right or Injection Well No. _____

2. OWNER:

Name R.D. & Janie KirtleyAddress 11551 Eva LaneCity Caldwell State Id Zip 83607

3. LOCATION OF WELL by legal description:

You must provide address or Lot, Blk. Sub. or Directions in well

Twp. 02 North ☒ or South ☐Rge. 03 East ☐ or West ☒Sec. 06 1/4 SE 1/4 NW 1/4Gov't Lot _____ County Canyon

Lat: _____ Long: _____

Address of Well Site Same as above

City _____

Lt. 8 Blk. 1 Sub. Name Knighten Hills

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply

(Replacement etc.)

☐ New Well ☒ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

Seal Material	From	To	Weight / Volume	Seal Placement Method
Well Casing	not	moved		

Was drive shoe used? ☐ Y ☐ N Shoe Depth(s) _____Was drive shoe seal tested? ☐ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Inner	Welded	Throated
No Casing added					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

Packer ☐ Y ☐ N Type _____

9. PERFORATIONS/SCREENS PACKER TYPE

Perforation Method _____

Screen Type & Method of Installation _____

From	To	Slot Size	Number	Diameter	Material	Casing	Inner
						☐	☐
						☐	☐
						☐	☐

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

104 ft. below ground Artesian pressure _____ lb.

Depth flow encountered _____ ft. Describe access port or control devices:

Well Cap

12. WELL TESTS:

☒ Pump ☒ Bailor ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
20	22	126	1
10	17	121	2

Water Temp. _____

Bottom hole temp. _____

Water Quality test or comments: Well was Drilled in1975 Some Gas

Depth first Water Encounter _____

13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Water

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
6	212	218	Rust Flakes	X	
6	218	312	Blue Sandstone Adbrasive		X
6	312	385	Blue Clay		X
6	385	?	Black Sand	X	
			Sandstone cracks backfilled		
			the additional drilling		
			left in place		

RECEIVED

AUG 19 2005

WATER RESOURCES
WESTERN REGIONCompleted Depth 250' (Measurable)Date: Started 21 July 2005 Completed 24 July 05

14. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Gary Duspiva Well Drilling & Development Firm No. 395Principal Driller Gary Duspiva Date 12 July 05

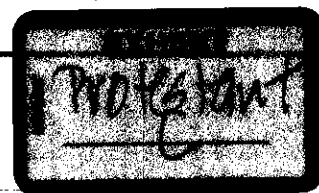
Driller or Operator II _____ Date _____

Operator I Aric Duspiva Date 12 July 05

Principal Driller and Rig Operator Required.

Operator I must have signature of Driller/Operator II.

FORWARD WHITE COPY TO WATER RESOURCES



WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name George Colasky
Address 11601 E. 1st Ave. Caldwell, Idaho
Drilling Permit No. 63-93-W-0082-000
Water Right Permit No. _____

7. WATER LEVEL

Static water level 168 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature 70 OF. Quality 32 grains - Hard
Describe artesian or temperature zone below _____

2. NATURE OF WORK

- ☐
- New well
- ☐
- Deepened
- ☒
- Replacement
-
- ☐
- Well diameter increase
-
- ☐
- Abandoned (describe abandonment procedures and materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
<u>16</u>	<u>178</u>	<u>2</u>

3. PROPOSED USE

- ☒
- Domestic
- ☐
- Irrigation
- ☐
- Test
- ☐
- Municipal
-
- ☐
- Industrial
- ☐
- Stock
- ☐
- Waste Disposal or Injection
-
- ☐
- Other _____ (specify type)

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
8	0	3	Sandy top soil		
8	3	40	brown clay		
6	40	62	brown clay		
6	62	84	sandy brown clay		
8	84	105	white clay		
10	105	186	sandy brown clay		
10	186	205	brown clay		
10	205	221	sandy brown clay		
10	221	235	blue clay		
6	235	241	sand & blue clay layers		

4. METHOD DRILLED

- ☐
- Rotary
- ☐
- Air
- ☐
- Hydraulic
- ☐
- Reverse rotary
-
- ☒
- Cable
- ☐
- Dug
- ☐
- Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other

Thickness	Diameter	From	To
<u>250</u> inches	<u>6</u> inches	<u>2</u> feet	<u>198</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ NoWas a packer or seal used? ☐ Yes ☒ NoPerforated? ☐ Yes ☒ NoHow perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

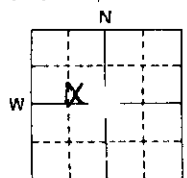
Gravel packed? ☐ Yes ☒ No Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 40 Material used in seal: ☐ Cement grout☒ Bentonite ☒ Pudding clay ☐ _____Sealing procedure used: ☐ Slurry fill ☐ Temp. surface casing☒ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☐ Solvent☐ Cemented between strataDescribe access port Top of casing

6. LOCATION OF WELL

Sketch map location must agree with written location.

Subdivision Name KnightenHills Sub.Lot No. 7 Block No. _____County CanyonSE 1/4 NW 1/4 Sec. 6 T. 2 N. R. 3 W. 4

11. DRILLERS CERTIFICATION

We certify that all minimum well construction standards were
complied with at the time the rig was removed.Firm Name Dee Well Drilling Firm No. 399Address Nampa, Idaho Date Feb-28-93Signed by (Firm Official) [Signature]

and _____

(Operator) SMC

Original log - 1-15-77
Form 238-7
1/78

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

USE TYPEWRITER OR
BALLPOINT PEN

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name JAMES THOMPSON
Address CALDWELL IDAHO
Owner's Permit No. _____

7. WATER LEVEL

Static water level 152 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ OF. Quality GRN.S.

2. NATURE OF WORK

☒ New well ☒ Deepened ☐ Replacement
☐ Abandoned (describe method of abandonment: _____)

8. WELL TEST DATA

☒ Pump ☐ Bailor ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
<u>11</u>	<u>157</u>	<u>1</u>

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>250</u> inches	<u>6</u> inches	<u>118</u> feet	<u>230</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 15 Material used in seal: ☐ Cement grout

☒ Puddling clay ☐ Well cuttings

Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing

☐ Overbore to seal depth

Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

☐ Cemented between strata

Describe access port _____

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
<u>6</u>	<u>135</u>	<u>165</u>	<u>BROWN CLAY HARD</u>		☒
	<u>165</u>	<u>180</u>	<u>SANDY BROWN CLAY</u>		☒
	<u>180</u>	<u>205</u>	<u>BROWN CLAY HARD</u>		☒
	<u>205</u>	<u>235</u>	<u>BROWN CLAY STICKY</u>		☒
	<u>235</u>	<u>315</u>	<u>BLUE CLAY</u>		☒
	<u>315</u>		<u>BROWN SAND</u>		☒

NOV 30 1982

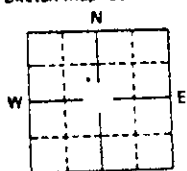
Department of Water Resources

10.

Work started SEPT-23-82 finished SEPT-29-82

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name Calder Hill

Lot No. 3 Block No. _____

County CADWALL

1 % 1 % Sec. 6 T. 3 N. S. R. 3 E. W.

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.

15 E.A.N.C.

Firm Name HESTER, R.L. Firm No. 93

RT. 2 Box 2

Address 144 EDALE TAPP. Date SEPT-29-82

Signed by (Firm Official) Rennet M. G. Jr.

and _____

(Operator) _____

OVERVIEW OF HYDROGEOLOGIC CONDITIONS IN THE
KNIGHTON HILLS SUBDIVISION AND SURROUNDING AREA

Timothy L. Mosko

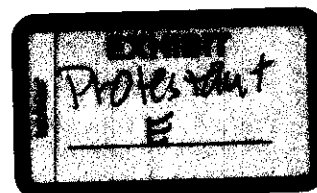
Timothy L. Mosko
Hydrogeologist

May 7, 1974

Date

MS, Hydrology, University of Idaho
ID Professional Geologist License No. 954

Now with:
CH2M HILL
700 Clearwater Lane
Boise, ID 83712
345-5314 x6331



OVERVIEW OF HYDROGEOLOGIC CONDITIONS IN THE KNIGHTON HILLS SUBDIVISION AND SURROUNDING AREA

General hydrogeologic setting

Most existing wells in the area are shallower than 400 feet with water levels ranging between 100 and 200 feet. All wells are completed in the Idaho Group of sediments. Idaho Group strata are primarily lake and river bed deposits that form a succession of alternating layers of clayey sediments from lakes and marshes, and sands of rivers and streams. The sand beds are the primary source of water for wells in the area.

The thickness of the Idaho Group is estimated to be over 3,000 feet thick beneath the Knighten Hills and Shiley properties (Wood, 1984). At the shallow depths in question (100 to 400 feet below ground level), it is likely that the aquifers supplying water to wells are under free water table conditions and may respond to seasonal recharge or irrigation.

Historic pattern of water level decline in the Knighten Hills area

For many years, the U.S. Geological Survey has been monitoring several wells in Canyon County. One well is located on the Shiley property directly adjacent to the proposed subdivision and within 1/10th of a mile from the Knighten Hill community. Historic water levels for this well (well 4 of Figure 1) show that water levels in this area are declining. Comparable declines in the region are generally accountable to ground water pumping (Newton, 1991).

Other U.S.G.S. monitoring wells in Canyon County (monitoring wells 5 and 6 of Figure 1) do not exhibit comparable water level declines. For instance, monitoring well 6, located near to the intersection of Happy Valley Road and Locust Lane, shows only minimal decline. In contrast, water levels at monitoring well 5, located approximately one mile northwest of Bowmont, have continuously risen.

The severity of recent water level decline within the Knighten hills subdivision is represented in Table 1. For instance, water levels in the well owned by Jeff Kronenberg dropped 21 feet between 1977 and 1992. Table 1 also lists several of the Knighten Hills occupants who have deepened their wells due to receding water levels. These five wells were originally drilled in 1975/76 and needed to be redrilled within the first six years of operation.

Proposed deeper wells

The developers assume that "drilling deeper" into the sediments will not cause additional drawdown in existing wells. This assumption may be wrong. For instance, the aerial extent and degree to which sand units are interconnected have not been determined. If the sand beds are discontinuous and partially interconnected, deeper wells can contribute to local water level declines.

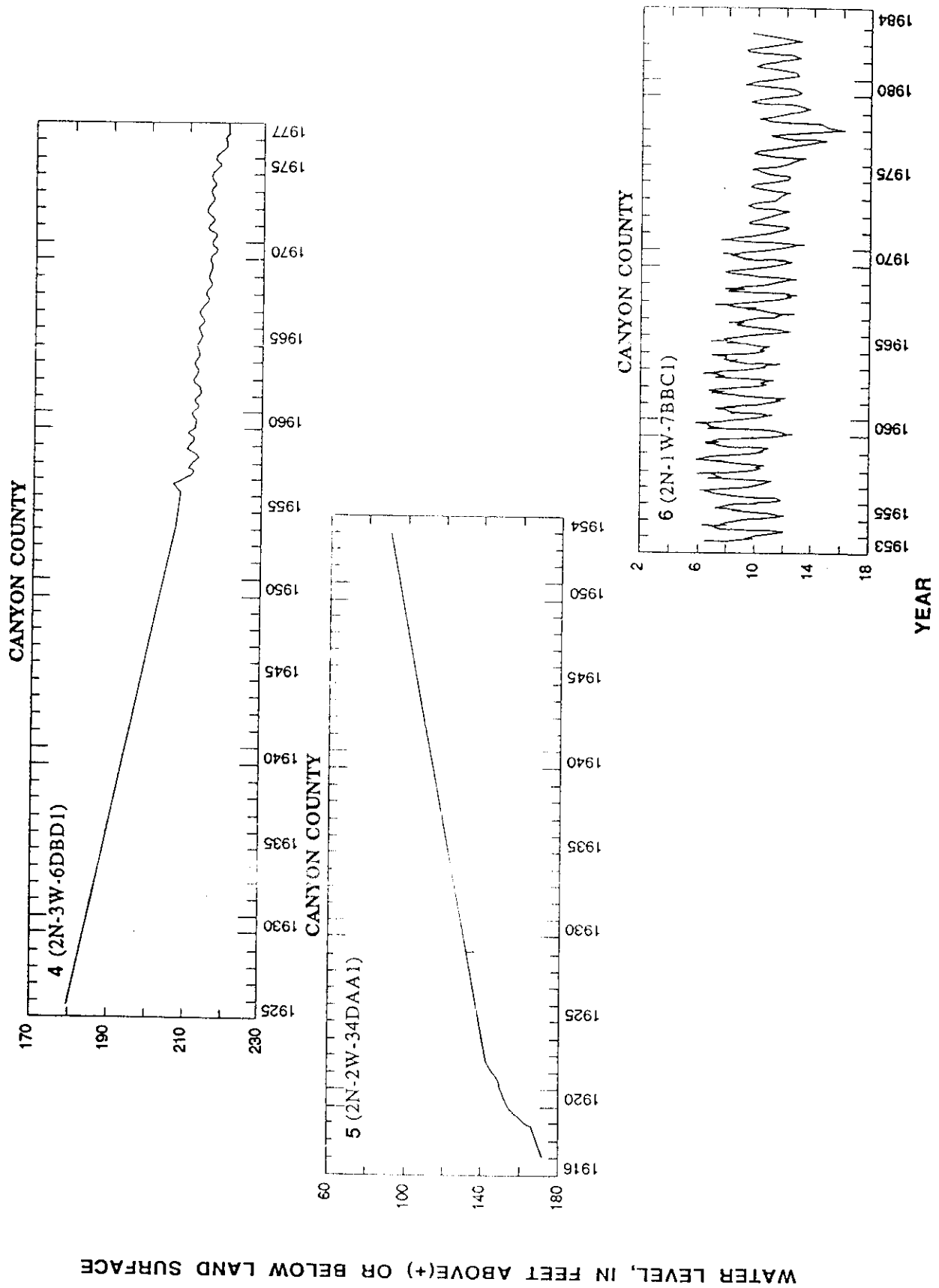


Figure 1. Historic water level data from three wells in Canyon County (from Newton, 1991).

SAMPLE WELL FAILURE CHRONOLOGY⁽¹⁾

Knighten Hills Subdivision

NAME	LOCATION		ORIGINAL WELL				REDRILLED WELL			
	LOT	BLOCK	DATE	DEPTH	STATIC LEVEL	G.P.M.	DATE	DEPTH	STATIC LEVEL	G.P.M.
SLOAN	5	1	3/14 1976	111'	83'	12	4/25 1984	215'	126'	12
SASAKI	6	1	5/20 1976	112'	82'	12	5/3 1983	207'	123'	13
SHUMACHER	1	2	8/4 1976	90'	65'	12	8/17 1982	250'	105'	20
MORRISON	9	3	7/18 1977	165'	125'	15	8/10 1992	365'	212'	13
HOCHSTETTER	8	4	2/10 1975	161'	133'	N/A	8/29 1988	227'	155'	15
KRONENBERG	8	3	10/27 1977	210'	130'	10	7/18 ⁽²⁾ 1992	210'	151'	N/A

(1) WELL DRILLER'S REPORTS ATTACHED

(2) WELL DEPTH TEST, WELL NOT REDRILLED.

In addition, it has not been shown that deeper aquifers (sand beds) will be sufficiently productive such that they will not impact shallower wells. In fact, pump tests conducted at the time of well installation indicate that significant portions of the ground water system in this area may have relatively low permeabilities. This means that water movement is restricted and recharge is slow. If underlying sand beds also form low permeability aquifers, deeper wells may add to the present trends of water level decline.

Finally, it is important to note that ground water in this area has decreasing potential with depth (Newton, 1991). This means that as wells are drilled deeper, water levels in the wells will also be deeper. Deeper wells will have high pump and power costs.

Water table divide

A well documented water table divide lies directly below the area in question (Stevens, 1962, Newton, 1991). A water table divide is analogous to a topographic ridgeline, and defines the high point of a water table. The water table divide extends northwest from the New York and Mora Canals, about a quarter of mile south of Bowmont, paralleling the Mora Canal to near the south side of Lake Lowell. South of the divide, the movement of unconfined ground water is generally south and southwest to the Snake River. North of the divide, the movement of unconfined ground water is northward into Lake Lowell.

The possible impact of the ground water divide is excessive water level fluctuation directly along the divide because the divide is prone to shifts in location as ground water pumping is increased in surrounding areas. A possible effect of a shift in the ground water divide might be to leave some of the existing wells "high and dry."

Summary

- ◆ Ground water withdrawals have historically caused water level declines in the area. Local water level data and frequent redrilling indicates that the ground water in the upper several hundred feet of sediments is presently being mined. This implies that recharge to aquifer(s) is limited relative to existing ground water use.
- ◆ Drilling deeper into the sediments will not necessarily alleviate the problem. There has been no determination that the proposed deeper aquifers are separated from existing pumped aquifers or that there is sufficient recharge to deeper aquifers such that additional pumping will not eventually cause drawdown of overlying aquifers.
- ◆ The presence of a water table divide in the vicinity of the Knighten Hills and the proposed development possibly intensifies water level decline.

Recommendations

- ◆ Petition the Idaho Department of Water Resources (IDWR) to conduct a special water level study for the Knighten Hills area. Discussions with Dave Tuthill, Regional Manager of IDWR's Western Regional Office, indicate that IDWR would probably conduct this study upon request by Canyon County.
- ◆ Consider a moratorium on new developments until the IDWR study is completed.
- ◆ Restrict the use of ground water in any new subdivisions to domestic use only. High-consumptive ground water uses, such as irrigation or ground water to heat pumps, should be prohibited. Failure to limit the use of ground water in this manner may accelerate water level decline.
- ◆ Determine if one community well, instead of numerous domestic wells, could supply domestic water to the subdivision. One community well allows for easier monitoring of water usage and quality. Documented problems of arsenic in ground water requires ground water quality monitoring be a high priority for this area.
- ◆ Conduct an aquifer test of a test well in the area of proposed subdivision. An aquifer test will determine aquifer storage and permeability characteristics and may show the degree of interconnection between pumped aquifers.

References

- Newton, G. D., 1991, Geohydrology of the Regional Aquifer System, Western Snake River Plain, Southwestern Idaho, U.S.G.S. Professional Paper no. 1408-G, 52 pp.
- Stevens, P. R., 1962, Effect of Irrigation on Ground Water in Southern Canyon County, Idaho, U.S.G.S. Water Supply Paper no. 1585, 74 pp.
- Wood, S.H., 1984, Review of Late Cenozoic Tectonics, Volcanism, and Subsurface Geology of the Western Snake River Plain, Idaho, Geology, Tectonics, and Mineral Resources of Western and Southern Idaho, ed. P.C. Beaver, Tobacco Root Geological Society, Dillon, Montana, 111 pp.

TO: Canyon County Planning and Zoning Department

FROM: Trish Valceschini, 11721 Eva Lane Caldwell
 Knighten Hills Subdivision *Trish Valceschini*

DATE: January 3, 1993

SUBJECT: Proposed subdivision by Mike Milward represented
 by Bruce Ankeny -- Case #3Z071

In surveying the residents of Eva Lane, in the Knighten Hills Subdivision **ALARMING STATISTICS** were discovered. Of the residents contacted 60% have had to redrill or extend their wells.

It was reported that significant events happened coincidentally at approximately the same time as wells going dry. When the race track was developed below Eva Lane in the early 1980's, two wells were drilled and five residents on Eva had their wells go dry. In addition in the early 1990's when building took place on the upper side of Eva Lane, water levels dropped significantly on the lower side, resulting in the need for well extensions and redrilling.

Obviously these events are why residents of the Knighten Hills Subdivision are concerned about the impact of 25 more homes in the area. **Will the subdivider be responsible financially and will he guarantee our water supply in the event the water level drops as a result of his development?**

Survey data listed below:

CHADEZ, Duane and Cathy 455-1724
 11724 Eva Lane

1990/1991 this is a new home & well of approx. 240 ft. They were told by their driller that due to many problems in the area to go deep with their well

COLOSKY, George and Rose 459-9678
 11601 Eva Lane

January 1, 1992 directly after the two new homes on the hill went in; had to drill a new well from approx. 150' (existing depth) to 300'.

CORNFORTH, Leon and Betty 454-2443
 11767 Eva Lane

Not home 12/31/93/ --- Newer home built in approx. 1989.

DECOUX, Larry and Clare 454-8035
 Eva Lane

In 1991 when their pump went out they discovered that they were in only two feet of water and added 40 ft. of extension to their well.



KENT, Corey and Bonnie 454-1225
 11769 Eva Lane
 No problems known to date.

LEE, Ira and Jeannine 459-7964
 11551 Eva Lane
 Originally well at 226 feet and no problems known to date.

MINKOFF, Jon and Connie 459-4740
 11648 Eva Lane
 In approx. 1982 previous owner Thompson had to redrill from 140 ft. to approx. 315' with no water found in between. When Minkoff's pump went out in July 1992 he had to extend 10 feet due to water level dropping.

ROBINETTE, Richard & Arlene 459-1012
 11690 Eva Lane
 No real problems, can't run 2 hoses but haven't had it checked. Believes well to be about 160 feet.

SASAKI, Mike & Sue 459-1012
 11617 Eva Lane
 Had to redrill approx in 1982 and a copy of the report is attached.

SCHUMACHER, Harry & Mary Jo. 459-7501
 11843 Eva Lane
 Sputtering was occurring and was very concerned last summer about their well.

SHUMACHER, Michelle 454-8115
 11554 Eva Lane
 Unable to contact her, but per owners across the street residing from 1977-89 that Michelle Schumacher's home had to have the well redrilled about the same time they did. Approx. 1982

SIMMONS, Mike & Chris 459-6469
 11771 Eva Lane
 Problems with sand and quality of the water.

SLOAN, Jack and Laura 454-9026
 11673 Eva Lane
 Went dry March 1984 and redrilled in April 25, 1984. Original depth 111 feet and new depth 215 ft.

VALCESCHINI, Greg & Trish 454-2533
 11721 Eva Lane
 Previous owner Jensens redrilled in approx. 1991

ALONG WITH EVA LANE RESIDENTS; OTHER RESIDENTS OF THE KNIGHTEN HILLS SUBDIVISION ON LAWRENCE HAVE REPORTED WELL PROBLEMS AND CONCERNS.

MORRISON, Roland

11433 Lawrence

Previous owner Blew redrilled in July 1992 from 160 ft. to 365 ft. The Well Drillers Report is attached.

PILCHER, Arkell

11645 Lawrence

Previous owner redrilled in 1992.

MITCHELL, Kenny

11446 Lawrence

With the water level dropping, has been very careful in water usage; at times can hear air being sucked in with his pump at approx. 180 ft. and well of 220 feet.

HOCHSTETTER, Harvey & Bev

11820 Lawrence

The previous owners Larry and Linda Doser had to redrill; she didn't have the date or depths etc. (approx. 1989)

ADAMSON, Mell,

11522 Lawrence Dr

Water level dropped in 1992 and he can't pump while the farmer up the hill is pumping.

KRONENBERG, Jeff & Shira

11559 Lawrence

Water level 130 ft. in 1977 but dropped to 152 feet by 1992. His pump had over 40 feet of head; now with only 10 feet of head to spare, another 10 foot drop would put him without water. The total well depth is originally at 210 ft.

I have been unable to contact MR. KNIGHTEN but several old time residents of Knighten Hills Subdivision told me he had to redrill more than once as well as his neighbor residing at the end of Lawrence on Marsing Blvd.

NOTE:

This has been limited research on the wells in the area. Prior to any decision approving this new subdivision it would be my hope that more research by experts in the area of Water Management would further the study of water availability/levels.

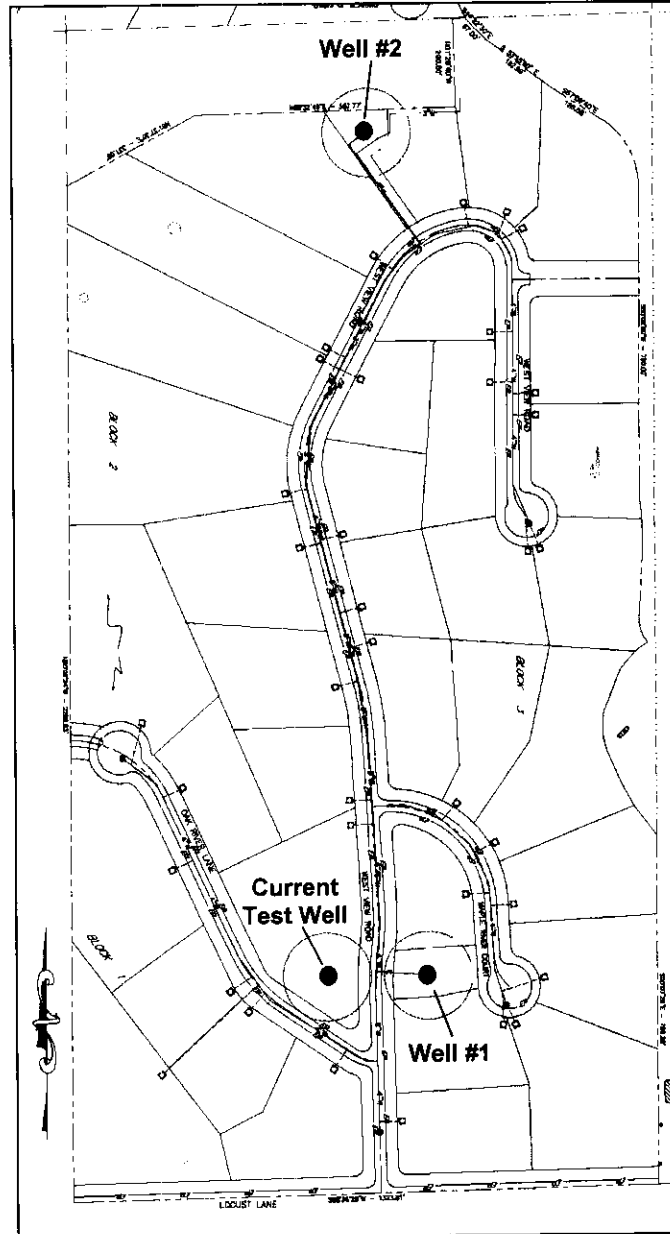


Figure 2: Location map showing the West River test well (well #11 on Figure 3) and the proposed West River Subdivision wells.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OF
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.**1. WELL OWNER**Name David L. & Marjorie L. BlevAddress 11433 LAWRENCE DR. Caldwell Id.Drilling Permit No. 63-92-W-814 9365

Water Right Permit No. _____

7. WATER LEVELStatic water level 212 feet below land surface.Flowing? ☐ Yes ☒ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ PlugTemperature 65 °F. Quality 12 grains 5 ppm Iron

Describe artesian or temperature zones below.

2. NATURE OF WORK

- ☐ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures
such as liners, screen, materials, plug depths, etc. in lithologic
log, section 9.)

8. WELL TEST DATA☐ Pump ☒ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
13	228	4

3. PROPOSED USE

- ☒ Domestic ☐ Irrigation ☐ Monitor
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

- ☒ Rotary ☐ Air ☐ Auger ☐ Reverse rotary
☐ Cable ☐ Mud ☐ Other _____
(backhoe, hydraulic, etc.)

5. WELL CONSTRUCTIONCasing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness Diameter From To

25 inches 6 inches + 1'6" feet 175 feet25 inches 6 inches 175 feet 235* feetCasing length 175 feetWas casing drive shoe used? ☒ Yes ☐ NoexistingWas a packer or seal used? ☐ Yes ☒ NoPerforated? ☐ Yes ☒ NoHow perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Cut

Size of perforation? _____ inches by _____ inches

Number From To

_____ perforations _____ feet _____ fee

_____ perforations _____ feet _____ fee

_____ perforations _____ feet _____ fee

Well screen installed? ☐ Yes ☒ No

Manufacturer _____ Type _____

Top Packer or Headpipe _____

Bottom of Tailpipe _____

Casing Slot size _____ Set from _____ feet to _____ fee

Casing Slot size _____ Set from _____ feet to _____ fee

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

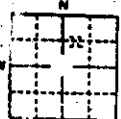
Surface seal depth 25 Material used in seal: ☐ Cement grout☒ Bentonite ☐ Puddling clay ☐ _____Sealing procedure used: ☒ Slurry pit☐ Temp. surface casing ☐ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded☐ Solvent Weld ☐ Cemented between strata

Describe access port _____

Well Cap _____

6. LOCATION OF WELL

Sketch map location must agree with written location.

Subdivision Name Knighten Hills

Lot No. _____ Block No. _____

County CanyonAddress of Well Site same as above

(give at least name of road)

_____ 1/4 _____ 1/4 Sec. _____ T. _____ N ☐ or S ☐_____ R. _____ E ☐ or W ☐**10.**Work started 3 Aug 92 finished 10 Aug 92**11. DRILLER'S CERTIFICATION**I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.

Gary Duspava Well Driller

Firm Name & Development

25050 Petrona Farms

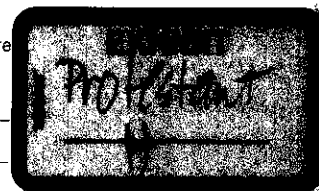
Firm No. 395Address 93650Date 12 Aug 92

Signed by Drilling Supervisor _____

and

(Operator)

(if different than the Drilling Supervisor)



WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>John D. Williams</u> Address <u>BL. 1000 N. 1st St.</u> Owner's Permit No. <u>1234567</u>	7. WATER LEVEL Static water level <u>172</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ OF. Quality _____ <i>Describe action of temperature zones below</i>																																																		
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☐ Pump ☐ Bailor ☒ Air ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr> <td><u>100</u></td> <td><u>172</u></td> <td><u>1.00</u></td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	<u>100</u>	<u>172</u>	<u>1.00</u>																																												
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USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY

Protestant

BEFORE THE BOARD OF COUNTY COMMISSIONERS

IN THE MATTER OF A REQUEST)

BY:)

SHERFIRE PROPERTIES)

CASE NO. RFE2004-2

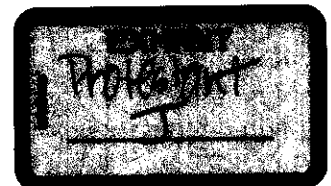
Two requests by Sherfire Properties (successor to)
S&R Development). 1. To modify the Conditional)
Use Permit originally granted on May 24, 1994,)
and amended by the Board on August 25, 1999, in)
case #998350L06-2N-3W, deleting Condition #3)
which requires a community water system.)
2. Appealing the time frames imposed in case)
#RFE2004-2 by the Planning and Zoning)
Commission in its decision to extend the time)
for completion of the project including the)
following: 1) Extending the time for completion of)
the land use application to August 25, 2005; and,)
2) Condition #2 that the final plat must be recorded)
on or before August 25, 2005.)

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER**

INTRODUCTION

A hearing was held before the Board of County Commissioners (hereinafter "Board") on September 7, 2004, for the purpose of considering 2 requests by Sherfire Properties (successor to S&R Development), specifically: 1. To modify the conditional use permit originally granted on May 24, 1994, and amended by the Board on August 25, 1999, in case #998350L06-2N-3W, deleting Condition #3 which requires a community water system; and, 2. Appealing the time frames imposed in case #RFE2004-2 by the Planning and Zoning Commission (hereinafter

FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER
DSD CASE NO. RFE2004-2



“Commission”) in its decision to extend the time for completion of the project including the following: 1) Extending the time for completion of the land use application to August 25, 2005; and, 2) Condition #2 that the final plat must be recorded on or before August 25, 2005.

The following persons were in attendance at the September 7, 2004, hearing: Canyon County Commissioner Matt Beebe; Canyon County Commissioner Robert Vasquez; Canyon County Commissioner David J. Ferdinand; Deputy Clerk, Monica Reeves; Deputy Prosecuting Attorney, Scott Spears; Ashlea Thiel, Canyon County Development Services Department (hereinafter “DSD”); Susan Wildwood, Attorney, representing Sherfire Properties (hereinafter “Applicant/Appellant”); Jim Shervik; Reese Leavitt; Marcus Ward, Attorney; Marie Bulgin; Jerry Cereda; Jon Minkoff; Walter Bryant; Leon Cornforth; Betty Cornforth; Parry Harrison; and LeAnn Crawford.

SUMMARY OF THE RECORD

The record in this appeal is comprised of:

1. County Exhibit No. 1-7.
2. Applicant Exhibit No. 1-5.
2. Opposition Exhibit No. 1-3.

PROCEDURAL ITEMS

1. A public hearing was held by the Commission on June 17, 2004, on case # RFE2004-2.
2. Section A of Canyon County Exhibit No. 2 shows that proper notices were given for the Commission’s hearing.
3. On July 1, 2004, the Commission issued its Findings of Facts, Conclusions of Law and

Decision in case # RFE2004-2 approving the Applicant/Appellant's request to extend the Land Use Extension for the conditional use permit originally granted on May 24, 1994 to Mike Milward, which was amended by the Board on August 25, 1999, in case #998350L06-2N-3W at the request of S&R Development which was succeeded by the Applicant/Appellant, but limiting the extension for completion to 1 year (August 25, 2005), and further requiring in Condition #2 that the "final plat must be recorded on or before August 25, 2005."

4. On or about July 6, 2004, the Board received a Notice of Appeal, appealing the Commission's Findings of Facts, Conclusions of Law and Decision in case # RFE2004-2 .

5. On or about June 2, 2004, the Board received a request to modify the conditional use permit originally granted on May 24, 1994, and amended by the Board on August 25, 1999, in case #998350L06-2N-3W, deleting Condition #3 which requires a community water system.

6. The aforementioned appeal of the Commission's Findings of Facts, Conclusions of Law and Decision in case # RFE2004-2 and request to modify the conditional use permit originally granted on May 24, 1994, and amended by the Board on August 25, 1999, in case #998350L06-2N-3W, deleting Condition #3, were combined for a hearing before the Board and notice of the Board's hearing was published in the Idaho-Press Tribune on or about August 16, 2004. On or about August 12, 2004, persons owning property within 1/2 mile of the site and selected agencies were notified of the hearing by mail. On or about August 31, 2004, a hearing notice was posted on the site.

7. Commissioner Beebe said he knows people in the audience who appear before the Board in land use hearings including Susan Wildwood and Reese Leavitt as well as Jim Shervik and that he has no financial relationship or connection in the project or with any of these persons

and is not a relative of any of these persons. Commissioner Beebe said he can be fair and impartial.

8. Commissioner Vasquez voiced similar remarks concerning persons in the audience. Vasquez also noted Marie Bulgin and said she called him in regard to the property line and fence issue. Vasquez said he is unbiased and can render a decision based on the evidence.

9. Commissioner Ferdinand voiced similar remarks concerning persons in the audience. Ferdinand said he can be fair and impartial.

10. At the hearing before the Board, the Applicant/Appellant withdrew its request to modify the conditional use permit originally granted on May 24, 1994, and amended by the Board on August 25, 1999, in case #998350L06-2N-3W, seeking deletion of Condition #3.

SUMMARY OF THE TESTIMONY

1. **Ashlea Thiel**, DSD summarized the history of the development and requests. She said the original conditional use permit was approved in 1994 by the Commission and on August 25, 1999, in case #998350L06-2N-3W, the Board granted requested amendments to the conditional use permit relating to the number of lots and entrances to the subdivision but denied a request to eliminate a required community water system. Thiel said the Board's amendment of the conditional use permit in 1999 also extended implementation of the project by 2 years and extended completion of the project 5 years to August 25, 2004. Thiel said the Commission considered the Applicant/Appellant's request to extend the time for completion of the project and extended the completion date by 1 year to August 25, 2005 and she said the Applicant/Appellant has appealed this decision to the board and is seeking a longer extension of the completion date.

TESTIMONY IN SUPPORT OF APPLICATION/APPEAL

2. **Susan Wildwood**, Attorney, testified as the Applicant/Appellant's representative.

a. Wildwood said the original developer was not Shervik it was Mike Milward who was granted a conditional use permit in 1994. She said the original conditional use permit was approved before the ordinance included a provision for time limits for implementation or completion of projects. Wildwood said the project languished for 5 years while Milward was the developer. Wildwood said that her client Jim Shervik and a partner took over the project in 1999 as developers. She said in 1999 the Board granted a request for an increase in the number of lots from 25 to 38 lots and the Board imposed a requirement that the project be implemented in 2 years and be substantially completed in 5 years. She said Shervik and his partner accepted the limitations because they felt they could meet the 2 and 5 year requirements respectively. Wildwood said that following the 1999 decision by the Board, Shervik and his partner attempted to get preliminary plat approval but the file was misplaced in DSD for over 1 year and there were changes in DSD personnel and this resulted in additional delays as they were told to make various changes to the preliminary plat due to changes in policy and interpretation of policy.

b. Wildwood said that Jim Shervik took over sole control of the project 1 year ago and has pushed to get things done such as receiving approval of the preliminary plat. She said Shervik has also done a lot at the project site including drilling a fire suppression well. She said the only infrastructure improvements yet to be done are the community water system and paving the roads.

c. Wildwood said the well logs for the area suggested that water was not sufficient for a community water well and this is why they had sought to eliminate the condition imposing a

community water system. She said that when they drilled the fire suppression well they found water capacity of 100 gallons per minute and now believe that there is sufficient water for a community water system. Wildwood said that since there is adequate water they are withdrawing the request to amend the conditional use permit to eliminate the community well requirement.

d. Wildwood said the community water system will take longer than 1 year to get the necessary approvals from the Department of Environmental Quality hereinafter "DEQ" and they need a minimum of 2 years to get the community water system done. She said they have applied to DEQ for 2 community well lots and DEQ must first review and approve the well lots and then they will drill two test wells on the community well lots. She said DEQ will then study data from test wells regarding water volume and quality and give final approval for the community wells. Wildwood said Reese Leavitt, the Engineer, will work with DEQ on the community wells but that it will take a lot of time to go through the DEQ process. She said there will also have to be a certified operator per the clean water laws and the contract and qualifications of the certified operator must be reviewed by DEQ.

e. Wildwood said they had the water from the fire suppression well tested to see if water quality is acceptable. She said the water quality is good and the lab results show that arsenic levels are low.

f. Wildwood said the community wells will be built to the same standards as any domestic water system including casing to the aquifer from which the water is drawn. She said there must be a redundant well and this means there will be 2 community water wells. Wildwood marked the location of the fire suppression well on lot 1 block 2 of the preliminary plat which was admitted as Applicant Exhibit No. 4, as well as the proposed community well

number 1 on lot 2 block 3 and the proposed community well number 2 on Lot 10, block 2 of the preliminary plat.

g. Wildwood said the issue is whether sufficient progress has been made. She suggested that sufficient process has been made by Shervik with the approval of the preliminary plat and work at the site including digging the fire suppression well and application to DEQ for the community well lots. She said there is also good cause shown to grant the requested 2 year extension due to delays in DSD's processing of the preliminary plat including misplacing the file for 1 year.

h. Wildwood said they argued for a 2 year extension before the Commission. She said the DSD application is erroneous in limiting extensions to 1 year because the Canyon County ordinance does not limit extensions to 1 year.

i. Wildwood said she does not think it would be beneficial to come back in 1 year to request another 1 year extension.

3. Jim Shervik testified in support of the appeal.

a. Shervik said they are working in good faith to complete the project. Shervik said he has worked at the best rate possible since buying out his partner in 2003. He said his previous partner had financial problems and so financing the development was a problem. Shervik said finally the partner sold his interest in the development to him and Shervik was then able to get financing to move the project ahead. He said the preliminary plat was the file that was lost for 1 year in DSD.

b. Shervik said working with DEQ is out of their hands.

c. Shervik said they would like to have the community water system done within 12

months but DEQ moves at its own speed. He said they hope they do not need the 12 months beyond August 2005 but would like to have it.

4. **Reese Leavitt**, said he is a licensed and certified Engineer in Idaho and testified in support of the appeal. Leavitt said he is the Engineer for the development.

a. Leavitt said the DEQ process takes time and that delays at the county level put them back. He said that to jump through DEQ's hoops and get the community water system in place will take longer than 12 months. Leavitt said it is not possible to get the project done in 12 months and this is due to delays in DEQ. Leavitt said the community well lot approval applications have been in DEQ since June 2004. He said the process must move in steps and that things cannot move simultaneously. He said it can also take 6 months just to get all of the necessary signatures on the final plat.

b. Leavitt said Shervik has really been moving forward. He said that on the property, road excavation has been done but final filling and paving is on hold because they are waiting for DEQ approval of the well lots which will determine the location of underground piping. He said pins have been put in place and a fence has been put in. Leavitt said if it were not for the community water system, they could be building houses within 1 month.

c. Leavitt said the fire suppression will not be part of the community water system because that would have put them behind even further in getting approvals.

d. Leavitt said Household water demand is 350 to 400 gallons per day.

e. Leavitt said there will be a storage tank and this reduces the demand for high water capacity.

TESTIMONY IN OPPOSITION TO APPLICATION/APPEAL

5. **Marcus Ward**, Attorney, spoke as the representative of adjacent land owners who are in opposition to the application and appeal.

a. Ward said the adjacent land owners have been worrying over this project for 10 years. He said the neighbors have a right to see finality in the project. Ward said the adjacent land owners are concerned that in a few months the Applicant/Appellant will come to the County and say the community water system will not work and that they need individual wells in the development.

b. Ward questioned why the developer did not install the test well in 1999 or any time since then. He said the Applicant/Appellant is an expert developer with engineers and they fiddled around. Ward said they should have known DEQ's propensity for delay and should have acted accordingly. Ward said it is apparent that the Applicant/Appellant only works under pressure. He said the Board should keep them under pressure by limiting the extension to 12 months.

c. Ward suggested that the Applicant/Appellant is trading the request for removal of the community water system condition for its request for an additional 12 months for completion of the project.

6. **Jerry Cereda** testified in opposition to the application and appeal and said he has the same problems with the project that he has always had. He said the Applicant/Appellant has promised things to address concerns such as access to irrigation boxes to clean screens or make repairs and nothing happens. Cereda said he has to drive around the subject property and open 2 gates to get to the boxes. He said the fence is on the boundary line and is not built properly.

Cereda said there have been meetings and promises are made and nothing has changed. Cereda said he is opposed to the additional 12 month extension.

7. **Parry Harrison** testified in opposition to the applicant and appeal and said he is a registered Civil Engineer in Idaho and Washington. Harrison said he spent 35 years working for the government and has a background in water development.

a. Harrison said his greatest concern and that of the adjacent land owners is water.

Harrison said he has reviewed the water data and said the water in the fire suppression well starts at 170 feet and goes down to 360 feet. He said this means the wells on the development will be drawing from the same aquifer that their water comes from and this will adversely affect the water supply of adjacent land owners. Harrison said he would like to see the Applicant/Appellant put up a bond to help them deal with costs of fixing their wells. He said they have hopes that the community water system will impact them less than individual wells in the development.

b. Harrison said it is his opinion that the development will be lucky to get 2 community water wells with adequate capacity.

c. Harrison said they have had problems with Arsenic.

d. Harrison said development of the operation manual for the community water system should not delay the development.

e. Harrison offered a summary of well problems in the area which was admitted as Opposition Exhibit No.2.

f. Harrison said his well is at 360 feet and he has had some problems with sand. Harrison said his well was tested for arsenic and no problems were found.

8. **Jon Minkoff** said he is opposed to the requested time extension. Minkoff said the project should not have been increased to 38 lots. He said he is glad to see the community water system. He said the Applicant/Appellant tried to get around the community water system in 1999 and was denied and so it has had plenty of time to address the community water system. Minkoff said the Applicant/Appellant knew that DEQ takes time. He said the developer did nothing for 5 years. Minkoff said in 2004 the Applicant/Appellant submitted a preliminary plat showing individual wells. He said the Applicant/Appellant has created its own problems and there is no proof that DSD misplaced the preliminary plat file for 1 year. Minkoff said that Commissioner Ferdinand gave Shervik softball questions during the hearing. Minkoff said Commissioner Ferdinand has been a friend of Shervik for 30 years and that they attended each others weddings.

9. In reply to Minkoff's statement, Commissioner Ferdinand said he has known Shervik for several years but that he and Shervik did not go to each other's weddings.

REBUTTAL TESTIMONY IN SUPPORT OF APPLICATION/APEAL

10. **Susan Wildwood**, Attorney, testified in support of the application/appeal as the Applicant/Appellant's representative.

a. Wildwood said no one in their right mind would drill a well on a development until the preliminary plat is approved. She said once they had approval by DSD staff of the preliminary plat they moved forward concerning the fire suppression well as well as applications to DEQ for approval of the community well lots.

b. Wildwood said the information provided by Harrison supports their original concern about the community water system and initial preference for individual wells.

c. Wildwood said the preliminary plat file was filed with DSD in 2001 and was lost in

DSD for 1 year and she confirmed this in discussions with DSD staff. She said there were also changes in DSD personnel handling subdivisions and this caused delays. Wildwood said the issue is whether the Applicant/Appellant has made progress toward completion.

d. Wildwood said there will be a subdivision built on the subject property regardless of the Board's decision and the neighbors wishes because the Applicant/Appellant could revert back to the original 25 lot subdivision and not be subject to the time limits since that original conditional use permit did not have time limits.

e. Wildwood said the current estimation on the community water system is between \$450,000 dollars to \$600,000 dollars and that the 13 additional homes would help spread this cost out.

f. Wildwood said that to file a final plat, the developer must either bond or build the improvements. She said it would be better to build the improvements and finish project than bond the improvements.

g. Wildwood said the roads are just about done and they are waiting for final determination on the water lines which must wait on a determination by DEQ concerning the community water system. She said they first need to get approval from DEQ for the test sites and then they can pull the permits to drill the test wells. Wildwood said the test wells must then be drilled and the results must then go to DEQ for testing and final approval of the wells. Wildwood referred to a United Water testing report and said there are a variety of things that are tested for including arsenic, nitrates, and nitrites. She said once the test wells pass DEQ approval, then the actual community wells will be drilled. Wildwood said and the community water wells must be cased and sealed to the aquifer from which the water is drawn. She said this process will take

least take 18 months.

h. Wildwood referred to Applicant Exhibit No. 5 and said it indicates that domestic usage will be 9.23 gallons per minute.

BOARD ACTION

The Board accepted the Applicant/Appellant's withdrawal of the request to modify the Conditional Use Permit originally granted on May 24, 1994, and amended by the Board on August 25, 1999, in case #998350L06-2N-3W, and seeking to delete Condition #3. Concerning the Applicant/Appellant's appeal of the Commission's decision in case # RFE2004-2 extending completion of the project by 12 months to August 25, 2005, upon the conclusion of public testimony, after deliberating on the evidence presented, the Board granted the Applicant/Appellants' request to extend completion of the project by an additional 12 months, in addition to the 12 month extension granted by the Commission, so that the developer shall have until August 25, 2006 to complete the project. On October 6, 2004, the Board will adopt Findings of Fact and Conclusions of Law.

APPLICABLE LAW

1. When a conditional use permit is granted, the land use or construction of its facility proposed in the application must be commenced within two (2) years of the date of the final decision by the Commission or the Board and completed within five (5) years of that same date. If the use is not implemented within this time period, the use and its approval shall expire. [CCCO; Section 07-09-01(1)].

2. An applicant may request extension of the time period provided by this Section by filing an application with the Commission or the Board. Such application must be filed at least

sixty (60) calendar days prior to expiration of the two (2) year period for commencement of the land use or sixty (60) calendar days prior to the expiration of the five (5) year period for completion of the project. If the application is not timely filed, it shall be denied. A renewal extension, if granted, may be limited to three hundred sixty five (365) calendar days which shall commence with the expiration of either period.. [CCCO; Section 07-09-03(1)].

3. The Commission or the Board may extend the commencement period or the completion period as provided above upon proof of good cause by the applicant. [CCCO; Section 07-09-03(2)].

4. The burden of proof as to the showing of good cause for the extension shall be upon the applicant and good cause shall be determined at the discretion of the Commission or the Board. [CCCO; Section 07-09-03(2)].

FINDINGS OF FACT

If any of these Findings of Fact are deemed to be Conclusions of Law, they are incorporated in to the Conclusions of Law section accordingly.

1. The original conditional use permit providing for the development of the subject property was granted to Mike Milward in 1994 by the Commission and on August 25, 1999, in case #998350L06-2N-3W, the Board granted amendments to the conditional use permit relating to the number of lots and entrances to the subdivision which had been requested by the Applicant/Appellant's predecessor, S&R Development. The Board's amendment of the conditional use permit in 1999 also extended implementation of the project by 2 years and extended completion of the project 5 years to August 25, 2004. [CCCO; Section 07-09-01(1)].

2. On May 20, 2004, more than 60 days prior to the expiration of the five (5) year period

for completion of the project, the Applicant/Appellant filed an Application for Land Use Time Extension. [CCCO; Section 07-09-03(1)].

3. With regard to Findings of Fact required for CCCO Section 07-09-03(2), the following facts apply:

a. The original conditional use permit providing for the development of the subject property was granted to Mike Milward in 1994 by the Commission and on August 25, 1999, in case #998350L06-2N-3W, the Board granted amendments to the conditional use permit relating to the number of lots and entrances to the subdivision which had been requested by the Applicant/Appellant's predecessor, S&R Development. The Board's amendment of the conditional use permit in 1999 also extended implementation of the project by 2 years and extended completion of the project 5 years to August 25, 2004. The Board's amendment of the conditional use permit in 1999 did not eliminate the required community water system as requested by Applicant/Appellant's predecessor, S&R Development.

b. In 2000, Applicant/Appellant's predecessor, S&R Development, filed an application for preliminary plat approval with DSD. However, for a variety of reasons, some of which were out of the control of S&R Development and/or the Applicant/Appellant, a preliminary plat for the development was not approved until 2004.

c. Development activities on the subject property were on hold for much of the time from 1999 to 2003 due to financial issues relating to the Applicant/Appellant's partner and the resulting complications in obtaining financing to begin development activities on the subject property. In 2003, the Applicant/Appellant bought his partner's rights to the development and was then able to obtain financing to begin development activities on the subject property.

d. Development activities on the property since 2003 have included: drilling the fire suppression well; application to DEQ for approval of the well lots for the community water system; road excavation, with filling and paving on hold pending DEQ approval of the well lots which will determine the location of underground piping for the community water system; pins have been put in place; and a fence has been put in. According to the Applicant/Appellant's Engineer, if it were not for the community well system, they could be building houses in the development within 1 month.

e. DEQ approval of the community water system and construction of the community water system is a multi-step process which may take as long as 18 months.

f. The Board finds that there is good cause to extend completion of the development by 12 months, in addition to the 12 month extension previously granted by the Commission in this case. [CCCO; Section 07-09-03(2)].

4. The Applicant/Appellant met its burden of persuasion. [CCCO; Section 07-09-03(2)].

CONCLUSIONS OF LAW

If any of these Conclusions of Law are deemed to be Findings of Fact, they are incorporated into the Findings of Fact section.

1. The original conditional use permit providing for the development of the subject property was granted to Mike Milward in 1994 by the Commission and on August 25, 1999, in case #998350L06-2N-3W, the Board granted amendments to the conditional use permit relating to the number of lots and entrances to the subdivision which had been requested by the Applicant/Appellant's predecessor, S&R Development. The Board's amendment of the conditional use permit in 1999 also extended implementation of the project by 2 years and

extended completion of the project 5 years to August 25, 2004. [CCCO; Section 07-09-01(1)].

2. On May 20, 2004, more than 60 days prior to the expiration of the five (5) year period for completion of the project, the Applicant/Appellant filed an Application for Land Use Time Extension. [CCCO; Section 07-09-03(1)].

3. With regard to Conclusions of Law required for CCCO Section 07-09-03(2), the following applies:

a. The original conditional use permit providing for the development of the subject property was granted to Mike Milward in 1994 by the Commission and on August 25, 1999, in case #998350L06-2N-3W, the Board granted amendments to the conditional use permit relating to the number of lots and entrances to the subdivision which had been requested by the Applicant/Appellant's predecessor, S&R Development. The Board's amendment of the conditional use permit in 1999 also extended implementation of the project by 2 years and extended completion of the project 5 years to August 25, 2004. The Board's amendment of the conditional use permit in 1999 did not eliminate the required community water system as requested by Applicant/Appellant's predecessor, S&R Development.

b. In 2000, Applicant/Appellant's predecessor, S&R Development, filed an application for preliminary plat approval with DSD. However, for a variety of reasons, some of which were out of the control of S&R Development and/or the Applicant/Appellant, a preliminary plat for the development was not approved until 2004.

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property. In 2003, the Applicant/Appellant bought his partner's rights to the development and was then able to obtain financing to begin development activities on the subject property.

d. Development activities on the property since 2003 have included: drilling the fire suppression well; application to DEQ for approval of the well lots for the community water system; road excavation, with filling and paving on hold pending DEQ approval of the well lots which will determine the location of underground piping for the community water system; pins have been put in place; and a fence has been put in. According to the Applicant/Appellant's Engineer, if it were not for the community well system, they could be building houses in the development within 1 month.

e. DEQ approval of the community water system and construction of the community water system is a multi-step process which may take as long as 18 months.

f. The Board concludes that there is good cause to extend completion of the development by 12 months, in addition to the 12 month extension previously granted by the Commission in this case. [CCCO; Section 07-09-03(2)].

4. The Applicant/Appellant met its burden of persuasion. [CCCO; Section 07-09-03(2)].

ORDER

Based upon the Findings of Fact and Conclusions of Law, reviewed above, the request to extend the date for completion of the development an additional 12 months beyond the 12 month extension granted by the Commission in Case No. RFE2004-2 is granted and the date for completion of the project is therefore extended to August 25, 2006, subject to the Conditions of Time Extension listed in Exhibit "A", attached hereto and incorporated by reference herein.

APPROVED this 6th day of October, 2004

**BOARD OF COUNTY COMMISSIONERS
CANYON COUNTY, IDAHO**

Matt Beebe
Commissioner Matt Beebe, Chairman

Opposed
Commissioner Robert Vasquez
David J. Ferdinand, II
Commissioner David J. Ferdinand, II

ATTEST: G. Noel Hales, CLERK

By: Claudia Amara
Deputy

APPLICANT'S RIGHT TO REQUEST A REGULATORY TAKING ANALYSIS

According to Idaho Code § 67-6535(c), the Applicant/Landowner has a right to request from the Canyon County Board of Commissioners a regulatory taking analysis pursuant to Idaho Code § 67-8003. The written request of the Applicant/Landowner for a regulatory taking analysis shall be filed with the Clerk of the Board of County Commissioners not more than twenty-eight (28) days after the date of this decision. Upon the timely written request of the Applicant/Landowner for a regulatory taking analysis, Canyon County shall prepare a written

taking analysis concerning this case and shall provide to the Applicant/Landowner a regulatory taking analysis no longer than forty-two (42) days after the date of filing of the Applicant/Landowner's request for regulatory taking analysis. Pursuant to Idaho Code § 67-8003(4), the twenty-eight (28) day time limitation described below in the "NOTICE OF APPELLATE PROCEDURE", shall be temporarily suspended during the preparation of the regulatory takings analysis. For more information, please consult an attorney.

NOTICE OF APPELLATE PROCEDURE

An affected person aggrieved by this decision may within twenty-eight (28) days after the date of this decision, seek judicial review under the procedures provided by Chapter 52, Title 67, Idaho Code.

CONDITIONS OF TIME EXTENSION

EXHIBIT "A"

The following conditions are hereby made a part of, and hereby incorporated into the Findings of Fact, Conclusions of Law and Order in DSD CASE NO. RFE2004-2.

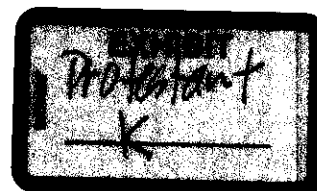
1. The development shall comply with all applicable federal, state, and county, laws, ordinances, rules and regulations that pertain to the property.
2. The final plat must be recorded on or before August 25, 2006.
3. On August 25, 2005, the Applicant/Appellant shall provide a written status report to the Board, DSD, and a representative of those who were in opposition to this request for a time extension, demonstrating in detail the Applicant/Appellant's efforts, progress, and due diligence in working with DEQ concerning the community water system.

PROBLEMS WITH WELLS

Knigh on Hills Subdivision and Vicinity

NAME	LOCATION	ORIGINAL WELL		REDRILLED WELL	
		DATE	DEPTH	DATE	DEPTH
HARRISON	11587 LAWRENCE DR.				325'
SLOAN	Block 1 Lot 5	1976	111'	1984	126'
SASAKI	Block 1 Lot 6	1976	112'	1983	123'
SCHUMACHER	Block 2 Lot 1	1976	90'	1982	105'
MORRISON	Block 3 Lot 9 11433 LAWRENCE DR.	1977	165'	1992	365'
HOCHSTSTTER	Block 4 Lot 8	1975	161'	1988	227'
MINKOFF	11648 EVA Ln.	1977	230'	1982	315'
COLOSKY	11601 EVA Ln.	Abt 1978	235'	1993	285'
CEREDA	11481 Eva Ln	1996	190'	This Well has an Arsenic Problem	
BRYANT	Block 3 Lot 8	1977	210'	This Well has an Arsenic Problem	

In addition there are 5 other well owners that we know of who have had to lower their pumps because of declining water levels.



Opp # 2
SCANNED



CERGIN LIVESTOCK COMPANY

1170 LOCUST LN
JERRY CEREDA

CALDWELL, IDAHO
MARIE S. BULGIN

February 13, 2006
Gary Spackman, Hearing Officer
Idaho Department of Water Resources
P. O Box 83720
Boise, ID 83720-0098

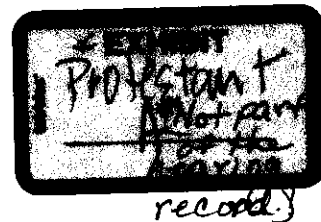
Dear Sir,

We are strongly supporting the protest of Mr. Jon Minkoff!

It has been documented by the US Geologic Service that there has been a consistent drop in water levels in this area over a period of at least 50 years. Numerous wells have had to be re-drilled in this immediate area over the last 20 years, further verifying this data. Three have had to be re-drilled in the immediate area just since July 2005, two on Eva Lane and one on Cool Rd. Residents of this area have tried, numerous times, to convince County administrators that allowing more wells to be put in, particularly at levels above 350 feet was not acting in a responsible and intelligent manner. They, essentially, have ignored us.

Yet, interestingly, a water spreading law in 1986 was passed by the Idaho legislature, prohibiting the placing of water on acres without water rights by farmers, even though, they had extra water because they practiced good water management and conservation. The reason---the spreading of water on additional acres reduces the amount that makes it deep enough to replenish the aquifer. In spite of State concern over the aquifer, our County allows more and more wells to go in, even in areas where there is hard data that the water level is falling! -- In this particular case, two wells that will supply over 35 new home owners. Obviously, these wells are not going to help replace the aquifer and the farmers are penalized by the near sightedness of County government.

Originally, we understood these would be deep wells that would not affect the other wells in the area. Now, it appears that 365 ft. seems to be the magic depth. Since a good many of the wells in the area are at, or near this level, we feel, that at the very least, Marlin Land Owners, LLC, should be required to go 400, if not 500 ft.

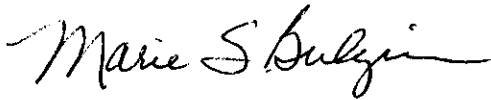


Once this permit is approved, we know that legal action would be the only recourse for residents negatively impacted by these wells. Even though, existing water rights take precedence over later water rights, legal action is always expensive and the "little guy" has all he can monetarily manage having his well re-drilled, while Marlin Land Owners takes their money and runs. We ask that you take this opportunity to prevent future problems. It is not fair to put present home owners and adjacent farmers in that position when it could be easily prevented.

Thank you for your attention.

Respectfully,

Marie S. Bulgin



Jerry Cereda



JERRY CEREDA
11481 EVA LN CALDWELL ID 83607
459-5008

2

Roland Morrison
11433 Lawrence Dr.
Caldwell, ID 83607

February 13, 2006

Mr. Spackman,

My name is Roland Morrison, I live just a short distance from what is projected as well #2 of West River Subdivision. What is referred to in all the literature on records is the Blew Well, which I have owned since July 1993.

As history has shown us, many of the homes in Knighton Hills have had to be re-drilled to deeper depths because they went dry. The only way the Blews could sell to me was to deepen the existing well. My current depth is 365 feet. One could generally say the average water depth has fallen significantly over the past 20 years.

As West River Subdivision prepares to drill its large wells, I'd like to remind those interested that our area is known for arsenic in the water. Although, not an expert in hydraulics I do know about cross contamination being in the medical field all my life. I naturally think that all wells at a certain water table can be cross contaminated. Therefore, one might think deeper wells, less contamination.

There are several concerns I have with the proposed well for the West River Subdivision. First, if they are allowed to only drill to 360 feet there is possible cross contamination with my existing well. In addition history has shown a dropping water table. The most crucial concern I have is the fact that the proposed well #2 is only 350 feet from my well.

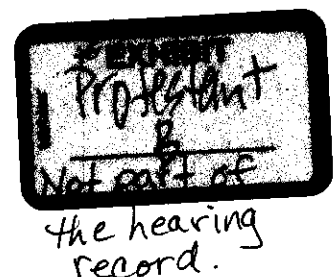
Please let common sense prevail.

Sincerely,



Roland Morrison

454-5147
enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OF
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.**1. WELL OWNER**Name David L. & Marjorie L. Blev
Address 11432 Lawrence Dr. Caldwell Id.
Drilling Permit No. 63-92-W-614 93605
Water Right Permit No. _____**7. WATER LEVEL**Static water level 212 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature 65 °F. Quality 13 grains 5 PPM Iron
Describe artesian or temperature zones below.**2. NATURE OF WORK**

- ☒
- New well
- ☐
- Deepened
- ☐
- Replacement
-
- ☐
- Well diameter increase
- ☐
- Modification
-
- ☐
- Abandoned (describe abandonment or modification procedures
-
- such as liners, screen, materials, plug depths, etc. in lithologic
-
- log, section 9.)

8. WELL TEST DATA☐ Pump ☒ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
13	28	1

3. PROPOSED USE

- ☒
- Domestic
- ☐
- Irrigation
- ☐
- Monitor
-
- ☐
- Industrial
- ☐
- Stock
- ☐
- Waste Disposal or Injection
-
- ☐
- Other _____ (specify type)

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
6	0	160	Existing		X
6	160	183	Brown Sand	X	
6	183	206	Light Brown Clay		X
6	206	216	Dark Grey Clay		X
6	216	223	Light Brown Clay		X
6	223	233	Dark Grey Clay		X
6	233	244	Light Brown Clay		X
6	244	255	Dark Grey Clay		X
6	255	261	Blue Clay		X
6	261	278	Brown Sandy Clay	X	
6	278	292	Blue Clay		X
6	292	332	Black Sand		X
6	332	365	Blue Clay Sticky to Firm	X	
6	365	?	Black Sand	X	

5. WELL CONSTRUCTIONCasing schedule: ☒ Steel ☐ Concrete ☐ Other _____Thickness Diameter From To
25 inches 6 inches + 1'6" feet 175 feet
25 inches 6 inches 175 feet 235* feet
Existing inches inches feet feetWas casing drive shoe used? ☒ Yes ☐ No existingWas a packer or seal used? ☐ Yes ☒ NoPerforated? ☐ Yes ☒ NoHow perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun

Size of perforation? _____ inches by _____ inches

Number From To

_____ perforations _____ feet _____ feet

_____ perforations _____ feet _____ feet

_____ perforations _____ feet _____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer _____ Type _____

Top Packer or Headpipe _____

Bottom of Tailpipe _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

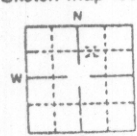
Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 20 Material used in seal: ☐ Cement grout☒ Bentonite ☐ Pudding clay ☐ _____Sealing procedure used: ☒ Slurry pit☐ Temp. surface casing ☐ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded☐ Solvent Weld ☐ Cemented between strataDescribe access port Well Cap**6. LOCATION OF WELL**

Sketch map location must agree with written location.

Subdivision Name Knighten Hills

Lot No. _____ Block No. _____

County CanyonAddress of Well Site same as above

(give at least name of road)

T. 2 N. ☐ or S. ☐
R. 3 E. ☐ or W. ☐
1/4 1 1/4 Sec. 36

10.

Work started 3 Aug 92 finished 10 Aug 92**11. DRILLER'S CERTIFICATION**I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.

Gary Duspiva Well Driller

Firm Name Development Firm No. 395Address 25050 Pat Lane Parma Id. Date 18 Aug 92

Signed by Drilling Supervisor _____

and

(Operator _____
(if different than the Drilling Supervisor))