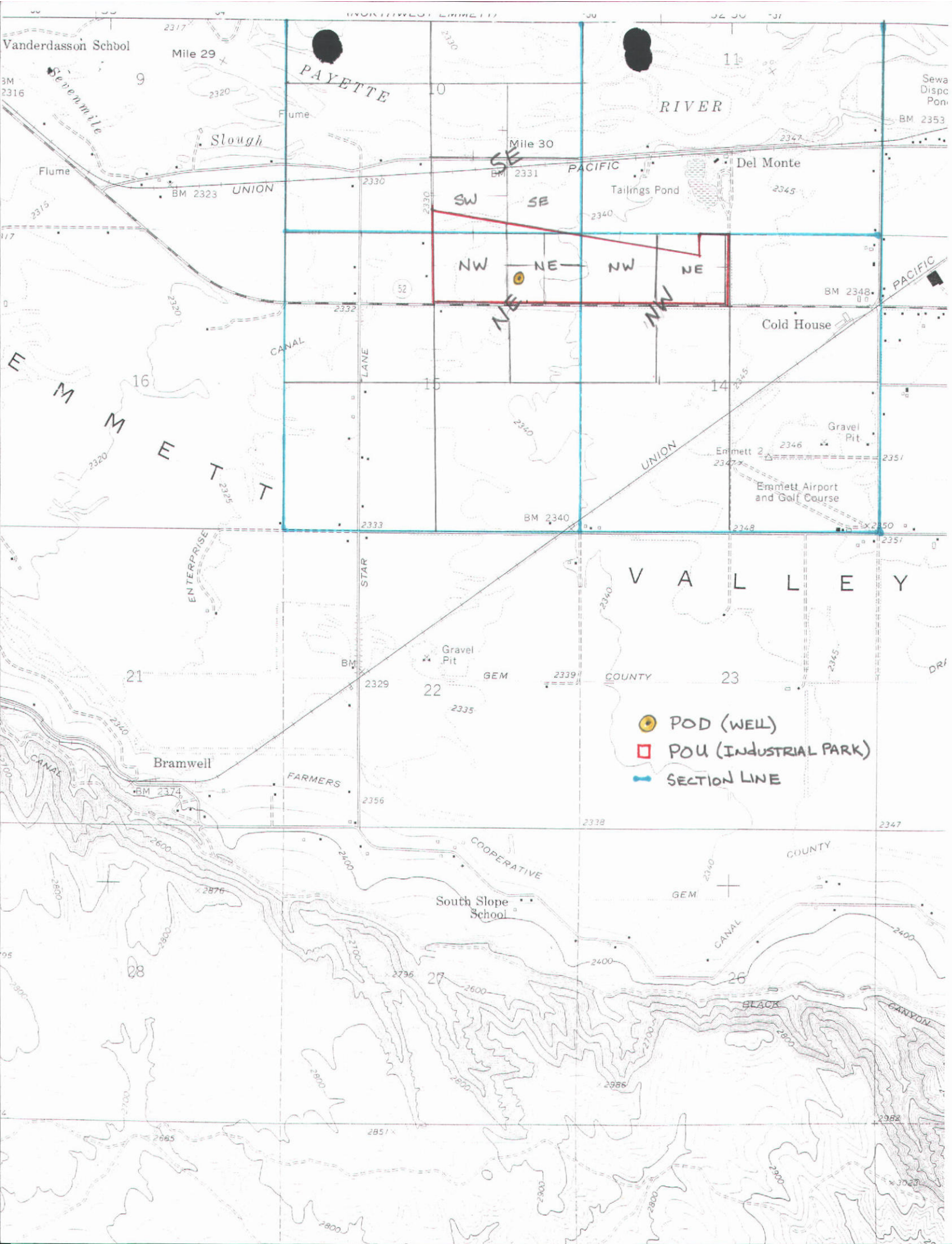
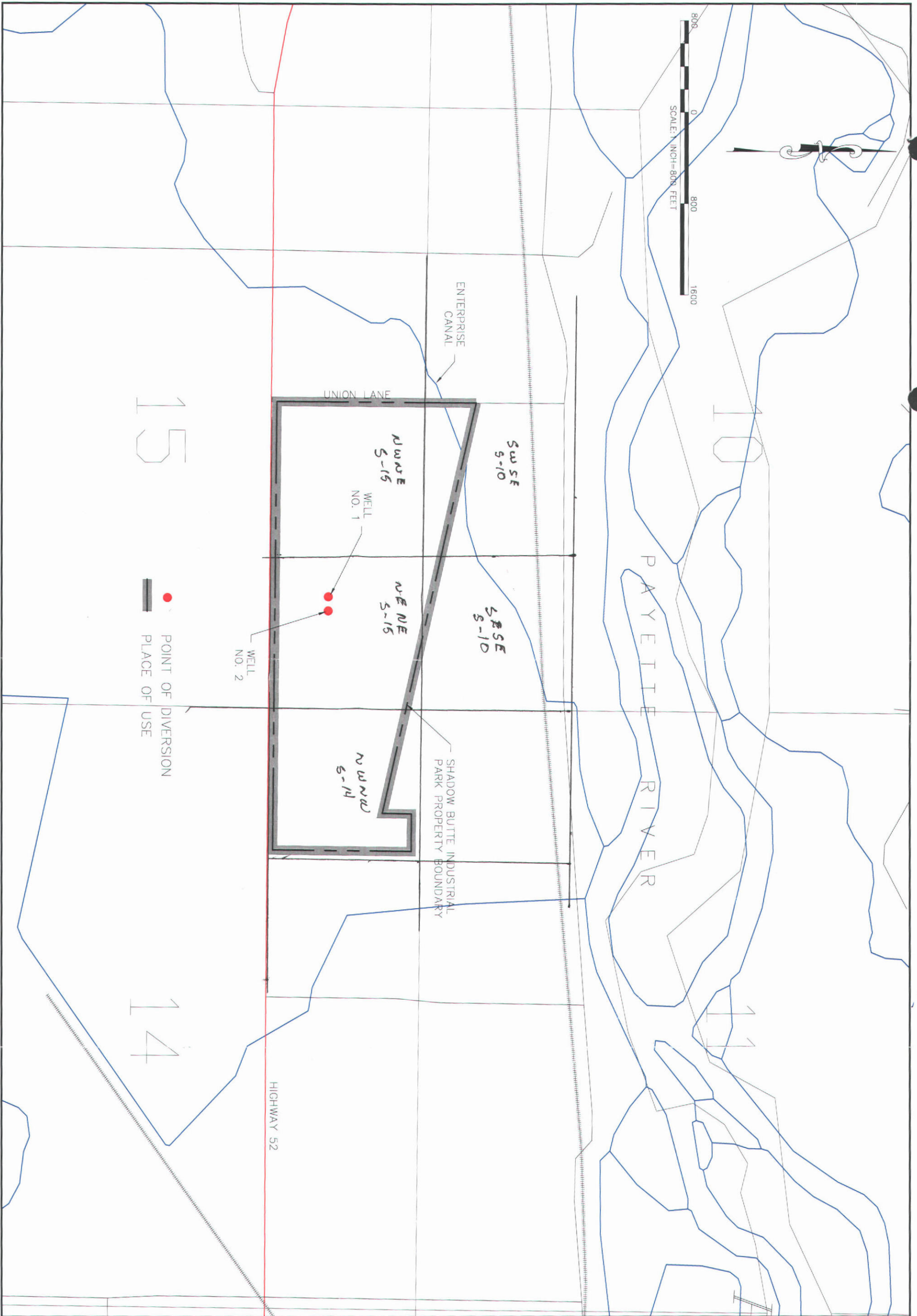




- POD (WELL)
- POU (INDUSTRIAL PARK)
- SECTION LINE



POINT OF DIVERSION  
PLACE OF USE

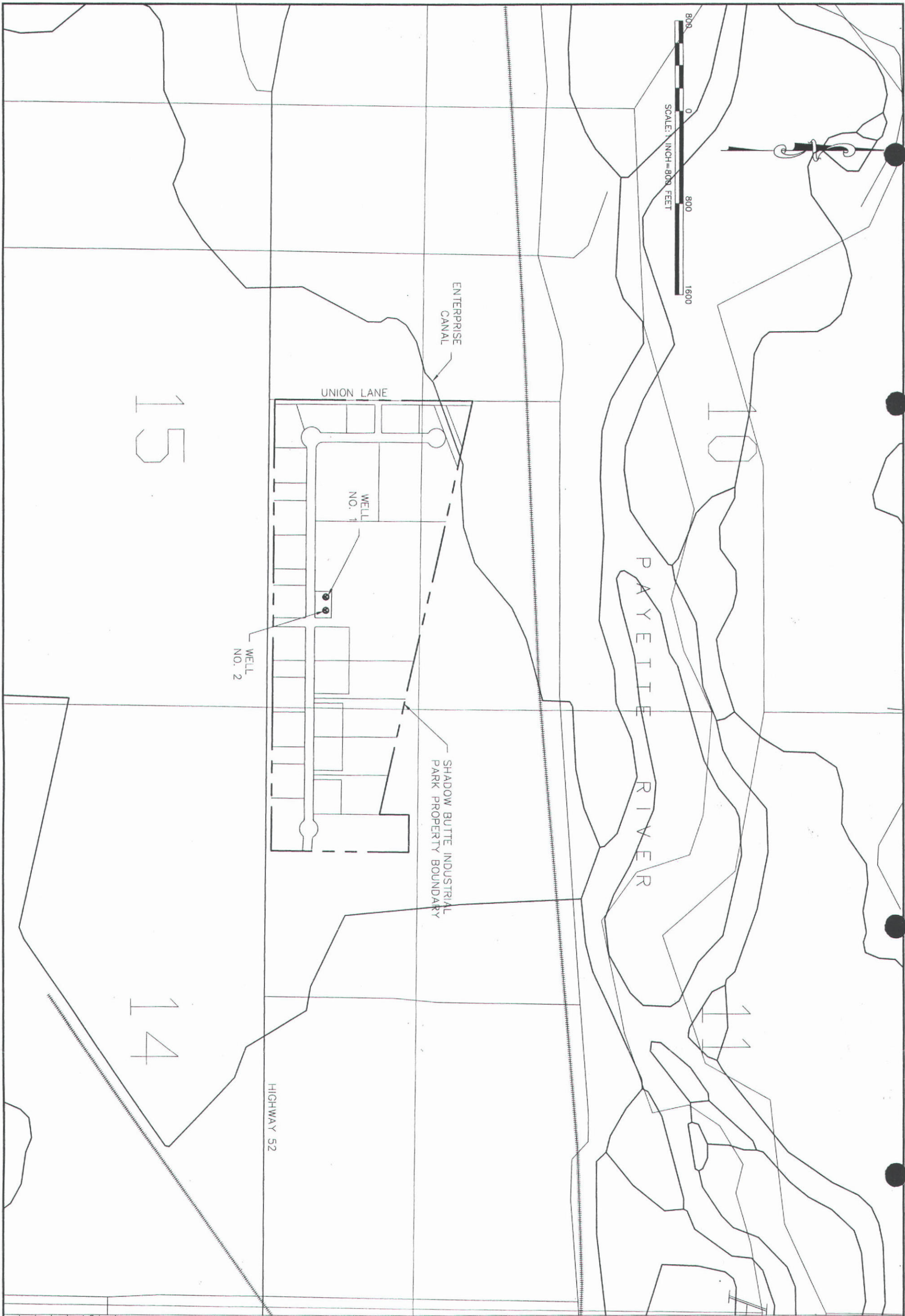
GEM COUNTY MUNICIPAL SYSTEM  
SHADOW BUTTE INDUSTRIAL PARK

**HOLLADAY ENGINEERING CO.**  
ENGINEERS • CONSULTANTS  
32 N. MAIN P.O. BOX 235 PAYETTE, ID 83661  
(208) 642-3304 • FAX# (208) 642-2159  
EMAIL: [hec@holladayengineering.com](mailto:hec@holladayengineering.com)

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JOB NO: GC120502  
CADD FILE: 8:160\70502\WELL-VG.dwg  
DATE: 8/26/04  
REVISED: 9/9/04  
PLOTTER: 9/9/04  
DRAWN BY: SHEET  
MGM??  
CHECKED BY: CHD/?

65-22918



WELL NO. 1 & WELL NO. 2  
VICINITY MAP  
SHADOW BUTTE INDUSTRIAL PARK



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DATE: 8/26/04

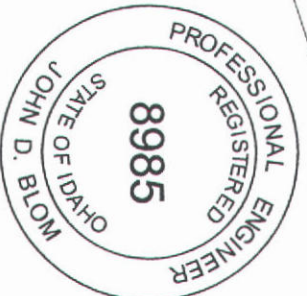
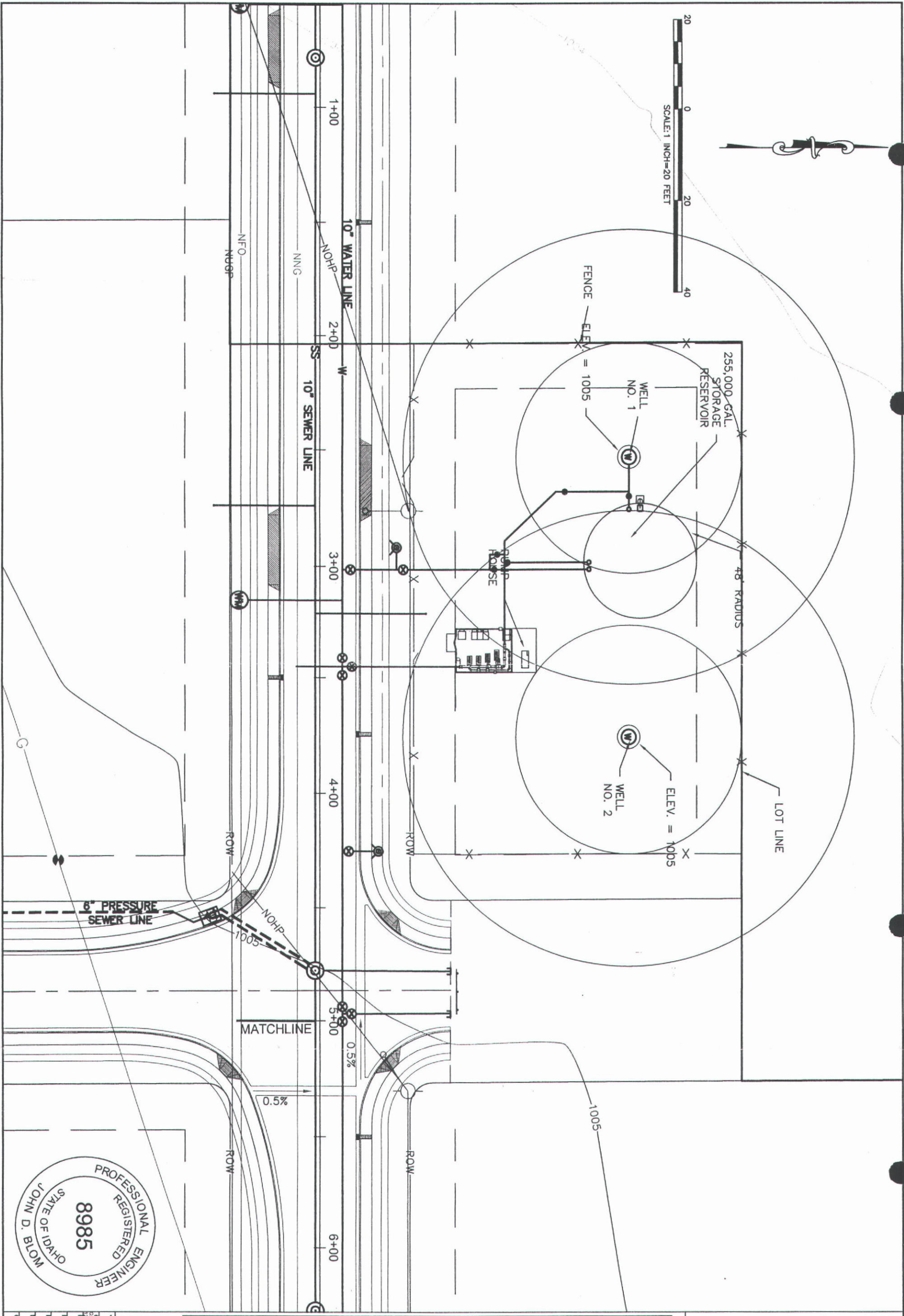
REVISIONS:

DATE: 8/26/04

DRAWN BY: MCM

CHECKED BY: CHD

WORTHY LANDSCAPE



WELL NO. 1 SITE MAP  
SHADOW BUTTE INDUSTRIAL PARK  
WATER SUPPLY IMPROVEMENTS



**HOLLADAY ENGINEERING CO.**  
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(208) 642-3304 • FAX (208) 642-2159  
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HOLLADAY SEAL, CO.

|             |          |
|-------------|----------|
| DATE        | 6/08/04  |
| DESIGNED BY | GC120502 |
| CHECKED BY  | JDB      |
| DATE        | 8/26/04  |
| DESIGNED BY | LMK      |
| CHECKED BY  | JDB      |

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

65-22918

COUNTY OF GEM  
415 E MAIN ST  
EMMETT ID 83617

Point(s) of Diversion NENE S15 T06N R02W  
GEM County Source GROUND WATER

Point(s) of Diversion NENE S15 T06N R02W  
GEM County Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 1.12 CFS  
Total Diversion: 1.12 CFS

Date Filed: 04/30/2003

Remark: Applicant agrees to mitigate consumptive use in the future as needed. Municipal use is for Shadow Butte Industrial Park.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 10/25/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub: 10-6, 13, 2004

Legal Notice No. 5647  
Published in the Messenger Index

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
County of Gem ) SS.

ANTHONY M. CLARK  
of Emmett, Gem County, Idaho, being first duly sworn,  
deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Messenger Index, a weekly newspaper published in the City of Emmett in the County of Gem, State of Idaho; that the said newspaper is in general circulation in the said County of Gem, and in the vicinity of Emmett, and has been uninterruptedly published in said County during a period of fifty-two consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in the newspaper two times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:  
October 6, 13, 2004

STATE OF IDAHO )  
County of Gem )

On this 13th day of October in the year of 2004 before me a Notary Public, personally appeared. Anthony M. Clark known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he executed the same.

Notary Public for Idaho  
Residing at *Nampa*  
My Commission expires

RUBEN SILVA  
Notary Public  
State of Idaho

My Commission Expires  
April 2, 2007

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 65-22918

Priority. April 30, 2003

Maximum Diversion Rate 1.12 CFS

This is to certify, that COUNTY OF GEM  
415 E MAIN ST  
EMMETT ID 83617

has applied for a permit to appropriate water from

**Source:** GROUND WATER

and a permit is APPROVED for development of water as follows

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| MUNICIPAL             | 01/01 to 12/31       | 1 12 CFS                 |

**LOCATION OF POINTS OF DIVERSION:**

|              |        |                                             |
|--------------|--------|---------------------------------------------|
| GROUND WATER | NE¼NE¼ | Sec. 15, Twp 06N, Rge 02W, B.M., GEM County |
| GROUND WATER | NE¼NE¼ | Sec. 15, Twp 06N, Rge 02W, B.M., GEM County |

**CONDITIONS OF APPROVAL**

- 1 Proof of application of water to beneficial use shall be submitted on or before **November 01, 2009**.
- 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 the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- 5 Place of use is within Shadow Butte Industrial Park. The place of use is generally located within Sections 10, 14 & 15, Township 06N, Range 02W.
- 6 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
- 7 The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
- 8 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.

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 65-22918

- 9 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12<sup>th</sup> day of November, 2004.

  
\_\_\_\_\_  
FOR KARL J DREHER, Director

AMENDED

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

To appropriate the public waters of the State of Idaho

1. Name of Applicant Gem County Phone (208) 365-2982  
Mailing address 415 East Main Street Emmett, ID 83617
2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_
3. Location of point of diversion is Township 6N Range 2W Sec. 15, in the \_\_\_\_\_ 1/4,  
\_\_\_\_\_ NE 1/4, NE 1/4, Govt. Lot \_\_\_\_\_, B.M., \_\_\_\_\_ Gem \_\_\_\_\_ County;  
additional points of diversion if any: 2 points same legal
4. Water will be used for the following purposes:  
Amount 1.12 cfs for Municipal purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.12 cfs and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Describe type and size of devices used to divert water from the source Well No. 1 and 2,  
a 257,000 gallon above ground storage tank, and distribution system
  - b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet
  - c. Proposed well diameter is 8 inches, proposed depth of well is 135 feet
  - d. Is ground water with a temperature of greater than 85°F being sought? \_\_\_\_\_
  - e. If well is already drilled, when? \_\_\_\_\_; Drilling firm \_\_\_\_\_;  
Well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
  - a. Hydropower, show total feet of head and proposed capacity in kW. \_\_\_\_\_
  - b. Stockwatering; list number and kind of livestock \_\_\_\_\_
  - c. Municipal; show name of municipality Gem County
  - d. Domestic; show number of households \_\_\_\_\_
  - e. Other, describe fully. \_\_\_\_\_

RECEIVED

NOV - 2 2004

Department of Water Resources

RECEIVED

SEP 10 2004

WATER RESOURCES  
WESTERN

3. Description of place of use:

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

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

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTALS |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 6N  | 2W  | 10  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | M  | M  |        |
| 6N  | 2W  | 14  |    |    |    |    |    | M  |    |    |    |    |    |    |    |    |    |    |        |
| 6N  | 2W  | 15  | M  | M  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated \_\_\_\_\_

10. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

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

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

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

12 Remarks: POU is 110 AC property for development

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

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

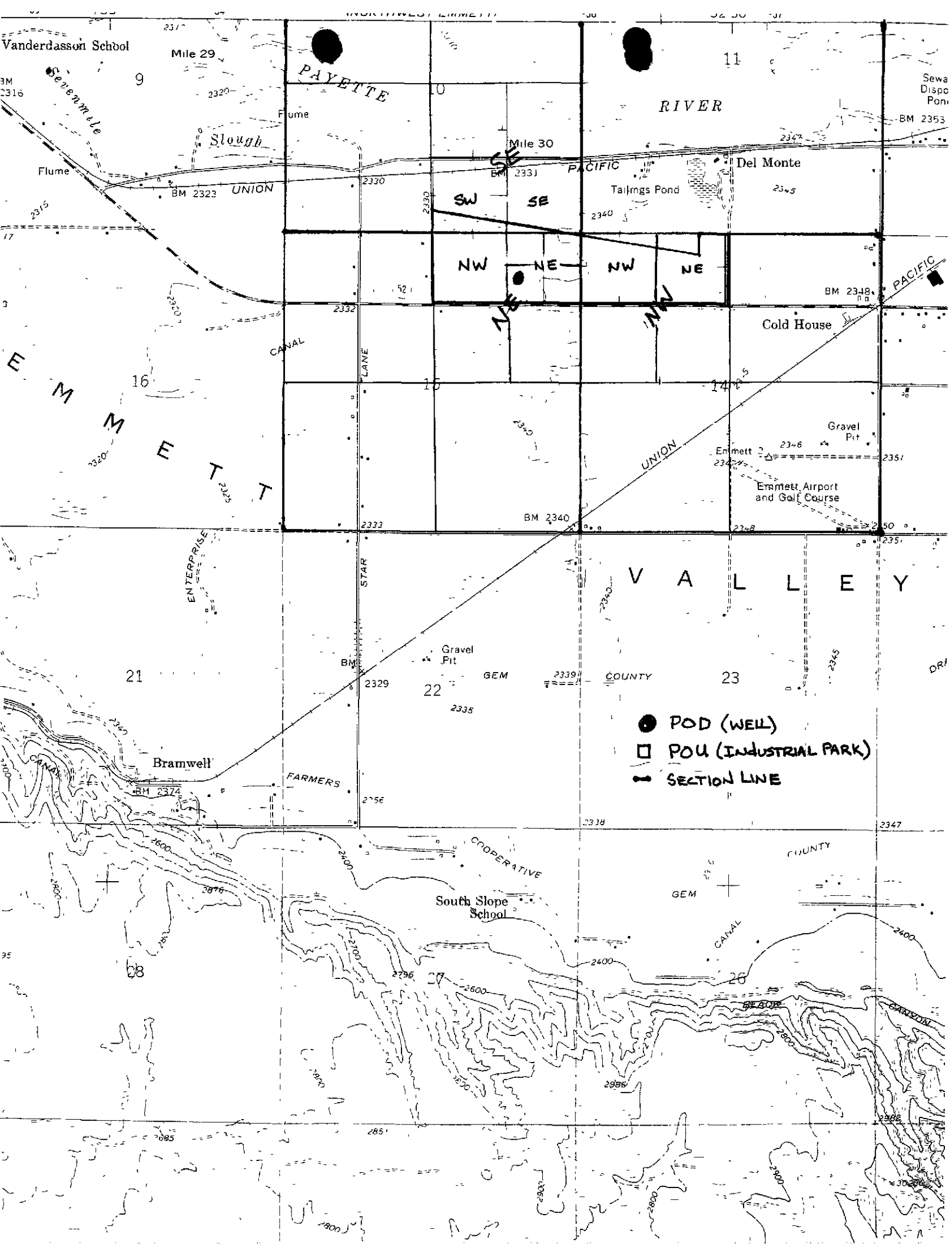
John Blom - County Engineer  
Signature of Applicant (and title, if applicable)

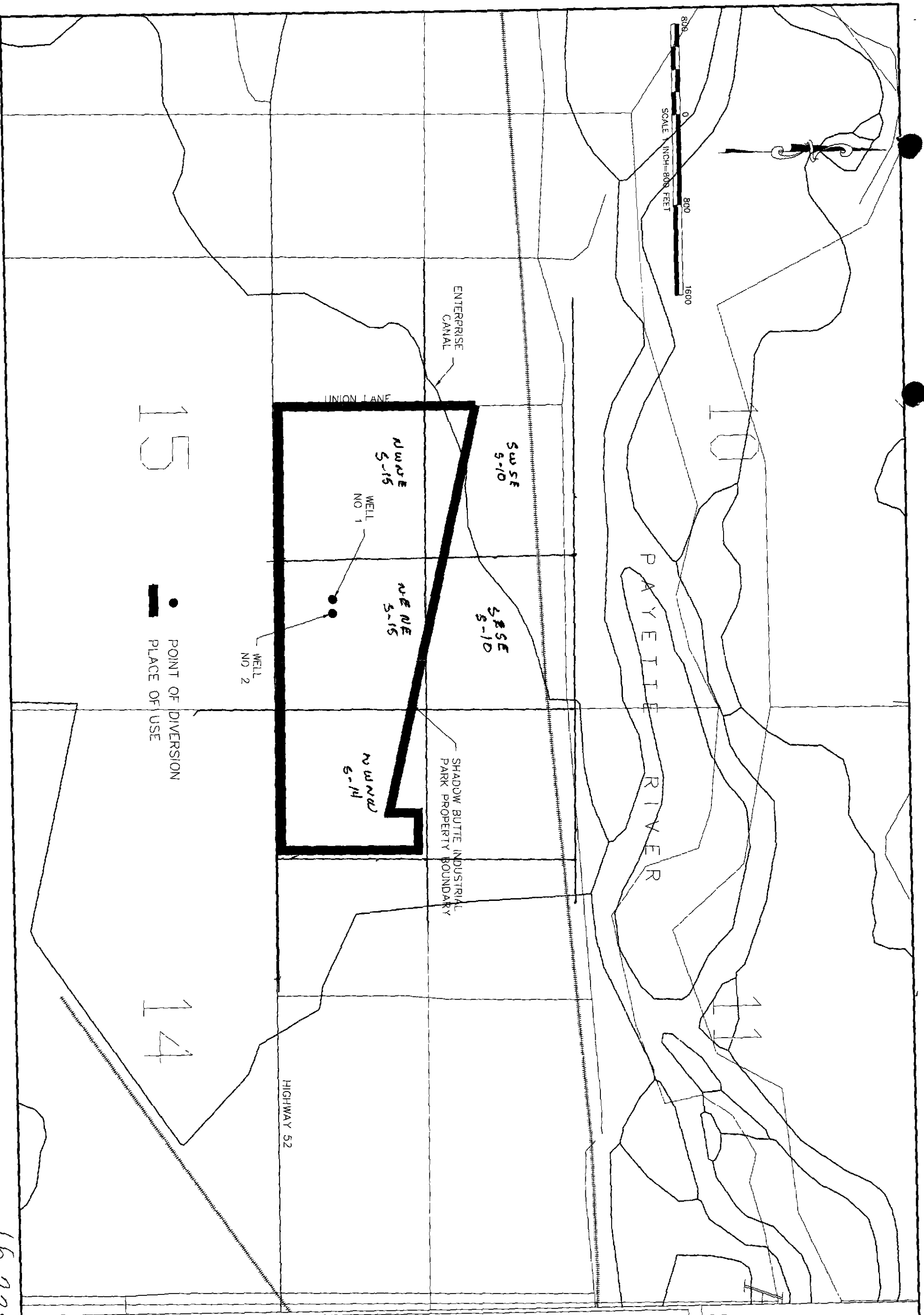
Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_

Fee \$ \_\_\_\_\_ Receipted by \_\_\_\_\_ # \_\_\_\_\_ Date \_\_\_\_\_

Publication prepared by sk Date 10-6-13-04 Published in M.F.

Publication approved sk Date 10-25-04





POINT OF DIVERSION  
PLACE OF USE

GEM COUNTY MUNICIPAL SYSTEM  
SHADOW BUTTE INDUSTRIAL PARK

**HE** HOLLADAY ENGINEERING CO.  
ENGINEERS • CONSULTANTS  
32 N. MAIN P.O. BOX 235 PAYETTE, ID 83661  
(208) 642-3304 • FAX# (208) 642-2199  
EMAIL: hec@holladayengineering.com

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| JOB NO. GCL20502                                                                                                                                                                                                                                                                                                                               |
| DATE 8/26/04                                                                                                                                                                                                                                                                                                                                   |
| REVISED 9/9/04                                                                                                                                                                                                                                                                                                                                 |
| PLOTTED 9/9/04                                                                                                                                                                                                                                                                                                                                 |
| DRAWN BY MCM                                                                                                                                                                                                                                                                                                                                   |
| CHECKED BY CHD                                                                                                                                                                                                                                                                                                                                 |
| 7                                                                                                                                                                                                                                                                                                                                              |

65-22918

## REQUEST TO PROCESS

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

Name of Applicant

SEM COUNTY, IDAHO

Mailing Address

415 EAST MAIN STREET

EMMAIT, ID 83617

Application No.  
(if known)

       IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

       PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Chris L. Holladay Eng. Co.

Date

4/30/03

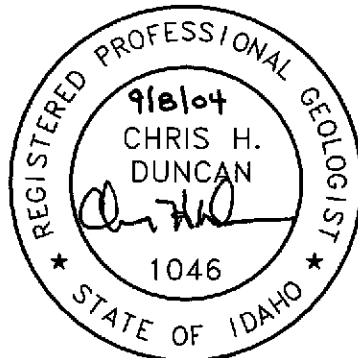
Please return this form to:

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

**Supplemental Information  
IDWR Application for Permit to Appropriate Public Water**

**Shadow Butte Industrial Park  
Gem County, Idaho**

**September, 2004**



**HECO Ref. No. GC120502**

**Prepared By**

**Holladay Engineering Company  
Payette, Idaho**

## **Introduction**

Gem County is proposing to construct the Shadow Butte Industrial Park located approximately 1½-miles west of Emmett, Idaho on the north side of Highway 55. The industrial park was created to attract new manufacturing business to area and generate between 100-125 new jobs in the area.

This report provides supplemental information and water demand calculations to support the revised IDWR Application for Permit to Appropriate Public Waters. Gem County currently owns the 110 acre development site. The County has applied for municipal water rights to serve the development. The County intends to retain ownership and responsibility for operation of the public water and sewer systems.

## **Development Plan**

The Shadow Butte Industrial Park will be constructed in three phases on 110 acres of land owned by Gem County. The site is located in portions of Sections 10, 14, and 15, Township 6N, Range 2W, Gem County, Idaho. Phase I will occupy 60 acres and provide twenty lots for light-manufacturing facility development. Phase 2 and 3 will provide built-to-suit lots to meet the specific needs of the tenants. All three phases of the development are anticipated to be complete within the next five years. Attached is a copy of the preliminary plat map and Gem County approval letter.

## **Public Drinking Water System**

A public drinking water system will supply all municipal uses. These include commercial, industrial, fire protection, storage and irrigation. The system will consist of two production wells capable of producing 1.2 cfs that will supply a 257,000 gallon above ground storage tank and distribution system.

Total peak water demand for three Phases of development is calculated at 1.2 cfs. Average daily water demand is calculated at 0.36 cfs based on per capita consumption standards for light industrial use. Fire protection water demand was established at 2000 gpm for a two-hour duration based on requirements of local fire officials and building standards. Tank storage is designed to meet the fire flow requirement. Well no. 1 and 2 are designed to supply peak water demands and maintain water storage. The storage tank will operate in-line between the production wells and pressurized water distribution system. Attached is copy of the water system facility layout and well locations.

The development includes 5.75 acres of irrigated landscape along streets and perimeter areas. Landscaping will consist of lawn grass, trees and shrubs. Irrigation water demand is calculated at 0.1 cfs, based on a 0.02 cfs per acre seasonal rate. The calculated irrigation water volume is 25.9 ac-ft using an estimated consumption rate of 4.5 ac-ft/ac for the irrigation season.

The water demand calculations are listed below:

Average Daily Use for Commercial and Industrial Purposes

$$110 \text{ ac development} \times 13 \text{ people/ac} \times 164 \text{ gpd/person} = 235,000 \text{ gpd}$$

$$\text{Conversion: } 235,000 \text{ gpd} = 163 \text{ gpm} = 0.36 \text{ cfs}$$

Peak Daily Use for Commercial and Industrial Purposes

$$163 \text{ gpm (Ave. Daily Use)} \times 3.0 \text{ (1-hour peaking factor)} = 489 \text{ gpm}$$

$$\text{Conversion: } 489 \text{ gpm} = 1.1 \text{ cfs}$$

Irrigation Demand

$$\text{Rate: } 5.75 \text{ ac of landscaping} \times 0.02 \text{ cfs/ac/yr} = 0.115 \text{ cfs} = 0.1 \text{ cfs (rounded)}$$

$$\text{Volume: } 4.5 \text{ ac-ft/ac/yr} \times 5.75 \text{ ac} = 25.88 \text{ ac-ft/yr (irrigation season)}$$

Total System Demand (excluding Fire Protection)

$$\begin{array}{rcl} \text{Peak Commercial and Industrial Water Demand} & = & 1.1 \text{ cfs} \\ \text{Irrigation Water Demand (Irrigation Season)} & = & 0.1 \text{ cfs} \\ \hline & & 1.2 \text{ cfs} \end{array}$$

Peak Demand for Fire Protection

2000 gpm over a 2-hour duration, supplied by storage tank

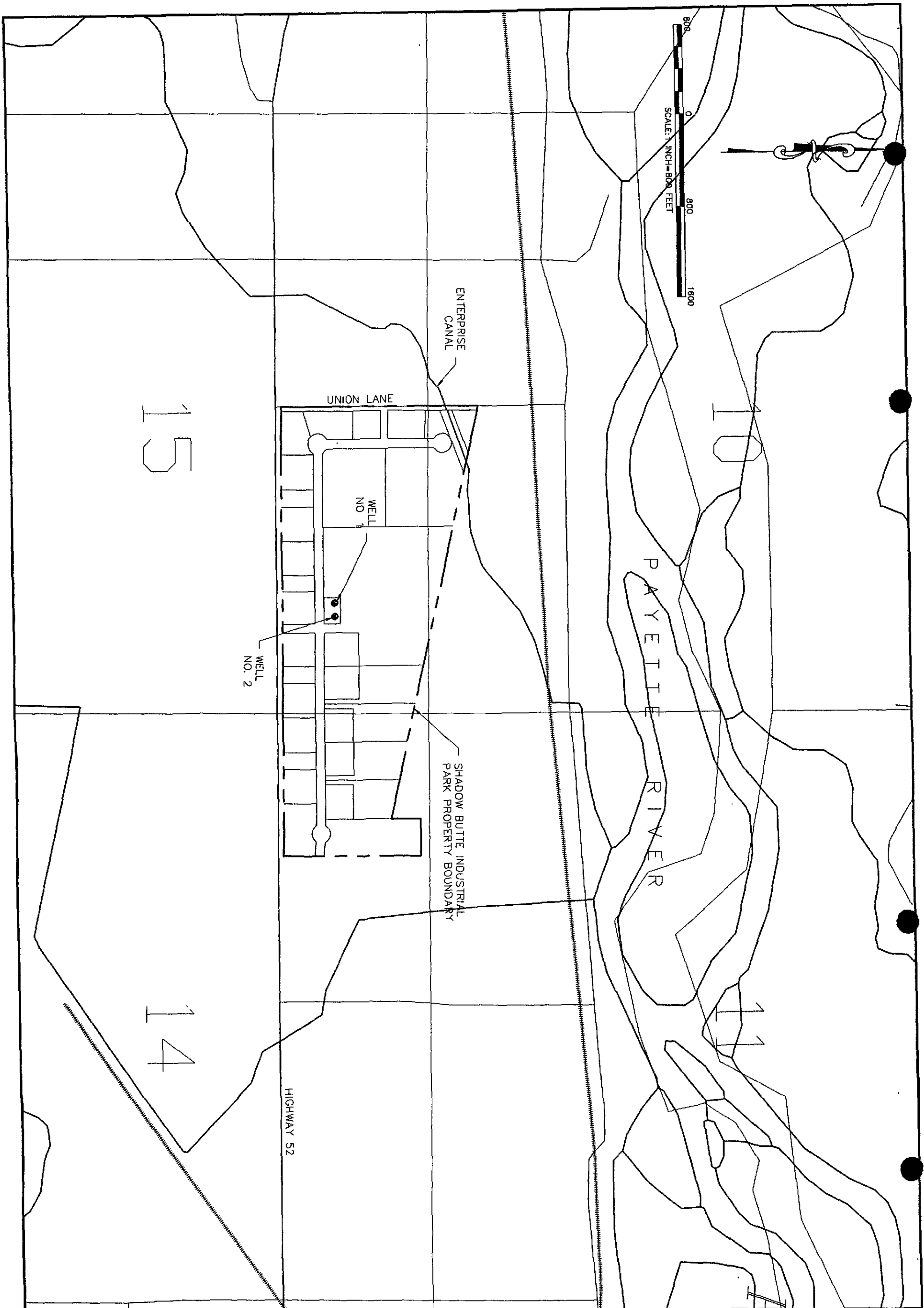
$$\text{Conversion: } 2000 \text{ gpm} = 4.46 \text{ cfs} = 0.74 \text{ ac-ft over a 2-hour duration}$$

The requested water appropriation for all three phases of development is listed below.

| <u>Beneficial Use</u> | <u>Period of Use</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Track</u>                                                                                                         |
|-----------------------|----------------------|-----------------------|---------------|----------------------------------------------------------------------------------------------------------------------|
| Municipal             | 1/1-12/31            | 1.2 cfs               |               | SW, SE, S.10, 6N, 2W<br>SE, SE, S.10, 6N, 2W<br>NW, NW, S.14, 6N, 2W<br>NE, NE, S.15, 6N, 2W<br>NW, NE, S.15, 6N, 2W |

**Production Wells**

Production well no. 1 and no. 2 will be constructed in the NE, NE, Sec. 15, 6N, 2W to DEQ public water system and IDWR well construction standards. The County will apply for drilling permits and public water system approval after a water right permit has been issued.



WELL NO. 1 & WELL NO. 2  
VICINITY MAP  
SHADOW BUTTE INDUSTRIAL PARK

**HE**

**HOLLADAY ENGINEERING CO.**  
ENGINEERS • CONSULTANTS  
32 N. MAIN P.O. BOX 235 PAYETTE ID 83661  
(208) 642-3304 FAX# (208) 642-2159  
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|             |                              |
|-------------|------------------------------|
| JOB NO.     | CC120502                     |
| DATE        | 8/26/04                      |
| DESIGNED BY | CHD                          |
| CHECKED BY  | MG                           |
| DATE        | 8/26/04                      |
| PROJECT     | SHADOW BUTTE INDUSTRIAL PARK |
| WELL NO.    | 1 & 2                        |

VICINITY MAP



GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT

109 SO. MCKINLEY AVE.  
EMMETT, IDAHO 83617

GC 120502  
200.1

OFFICE OF THE ADMINISTRATOR  
PLANNING COMMISSION  
ZONING COMMISSION



PH. (208) 365-5144  
FAX (208) 365-2499  
WEB PAGE [www.co.gem.id.us](http://www.co.gem.id.us)

May 21, 2004

Gem County  
415 E. Main St  
Emmett, ID 83617

The Gem County Planning and Zoning Commission held a review of your application for the Preliminary Plat of Shadow Butte Industrial Park Subdivision on May 10, 2004, in the Gem County Courthouse at 7:00 P M

The Commission unanimously approved the application with the following stipulations:

- 1 Applicant must comply with the Technical Review Committee recommendations - see attached.
2. The final plat will not be signed until improvements are completed and approved.
3. Applicant will ensure all legal rights will be met regarding the drainage water running through the property
4. Applicant will provide a letter to the Idaho Transportation Department addressing noise evaluation mitigation. A copy will be provided to Development Services for the file.
- 5 The final plat will not be signed until the applicant comes to an agreement with the ditch company regarding water rights

Once the changes have been made, please bring the Final Plat to the Development Services Department. At that time a final review before the Gem County Board of Commissioners will be scheduled

Sincerely,

A handwritten signature in cursive script that reads "Debra K. Lish".

Debra K. Lish  
Administrator

Enclosures: 2

Cc: John Blom - Holladay Engineering  
Shadow Butte Development Corporation

MAY 24 2004

TECHNICAL REVIEW COMMITTEE MEETING RECOMMENDATIONS

SHADOW BUTTE INDUSTRIAL PARK SUBDIVISION

APRIL 19, 2004

COMMITTEE MEMBERS

JIM HUTCHINS, BRUCE WALL, AND DON WILKERSON

OTHERS PRESENT

CHERYL CONRAD, JOHN BLOM, MORRIS HUFFMAN, PAM GARRISON, DEBRA LISH,  
AND DEBBIE SMITH

LOT SIZE - AS SUBMITTED.

STREETS - APPLICANT TO BRING IN A PROPOSAL THAT MEETS THE GEM COUNTY SUBDIVISION ORDINANCE ARTICLE IV; SECTION C; SUBSECTION 3. ROAD DEPARTMENT MUST APPROVE ENGINEERING PRIOR TO ANY ROAD CONSTRUCTION. NAMES AS SUBMITTED.

CURB-GUTTER-SIDEWALK - NOT REQUIRED BY GEM COUNTY. INTENDED BY APPLICANT - TO BE SHOWN ON FINAL PLAT.

ENTRANCE - AS PER THE GEM COUNTY ZONING ORDINANCE (SIGN AND LANDSCAPE).

DOMESTIC WATER - TWO DOMESTIC WELLS - THE FIRST IN PHASE 1. FINAL PLAT WILL SHOW SEWER AND WATER STUB OUTS.

IRRIGATION WATER - SOURCE: POTABLE WATER SYSTEM. APPLICANT WILL CHECK WITH DITCH COMPANY FOR OPTIONS OF FORFEITING IRRIGATION WATER RIGHTS.

SEWER SYSTEMS - CITY SEWER AS PROPOSED.

STREET LIGHTS - FOUR STREET LIGHTS - AT THE ENTRANCE AT WEST HIGHWAY 52, THE INTERSECTION AT VICTORY COURT AND SHADOW BUTTE WAY, THE COUL-DE-SAC ON THE EAST, AND HALF WAY BETWEEN THE INTERSECTION AND THE COUL-DE-SAC.

UTILITIES - ALL UTILITIES UNDERGROUND.

FIRE SUPPRESSION WATER - AS SUBMITTED.

OPEN SPACE - NONE REQUIRED.

COVENANTS - AS PROPOSED WITH THE CHANGE THAT ALL UTILITIES UNDERGROUND.

**SIGNS** - AS PER THE GEM COUNTY ZONING ORDINANCE.

**BOND** - AS PER THE GEM COUNTY SUBDIVISION ORDINANCE.

**TIME LIMIT** - AS PER THE GEM COUNTY SUBDIVISION ORDINANCE.

**LANDSCAPING** - AS PER THE GEM COUNTY ZONING ORDINANCE.

**ADDITIONAL REQUIREMENTS** - APPLICANT MUST PROVIDE ADDITIONAL INFORMATION ON DRAINAGE DITCH THROUGH PROPERTY, FOLLOW IDAHO CODE ON NUMBERING THE LOTS, SHOW RETENTION PONDS ON FINAL PLAT, ADD A FOOTNOTE THAT ALL DRAINAGE BE KEPT ON SITE.

**RECEIVED****APR 30 2003**WATER RESOURCES  
WESTERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT****ORIGINAL**

To appropriate the public waters of the State of Idaho

1 Name of Applicant Gem County, Idaho Phone (208) 365-2982  
 Mailing address 415 East Main Street Emmett, ID 83617

2 Source of water supply Groundwater which is a tributary of \_\_\_\_\_

3 Location of point of diversion is Township 6N Range 2W Sec 15, in the SW  $\frac{1}{4}$ ,  
NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_, B M., GEM CO County;

additional points of diversion if any: \_\_\_\_\_

4 Water will be used for the following purposes

Amount 1.12 cfs for Commerical Use purposes from Jan 1 to Dec 31 (both dates inclusive)  
 (cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1.12 and/or (b) 811  
 cubic feet per second acre feet per annum

6 Proposed diverting works:

a. Describe type and size of devices used to divert water from the source WELL WATER SYSTEM

b Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet, total  
 reservoir capacity \_\_\_\_\_ acre-feet

c Proposed well diameter is 10 inches; proposed depth of well is 200 feet

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? \_\_\_\_\_, Drilling firm \_\_\_\_\_;  
 Well was drilled for (well owner) \_\_\_\_\_, Drilling Permit No \_\_\_\_\_

7 Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

8 Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_

b. Stockwatering; list number and kind of livestock. \_\_\_\_\_

c. Municipal; show name of municipality. \_\_\_\_\_

d. Domestic; show number of households \_\_\_\_\_

e. Other; describe fully. Commercial industrial park use and fire protection

3 Description of place of use:

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

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

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTALS    |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |           |
| 6N  | 2W  | 10  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |           |
| 6N  | 2W  | 14  |    |    |    |    | C  | C  |    |    |    |    |    |    |    |    |    |    |           |
| 6N  | 2W  | 15  | C  | C  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |           |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 121.44 co |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |           |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |           |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |           |

Total number of acres to be irrigated \_\_\_\_\_

10. Describe any other water rights used for the same purposes as described above Fire protection

11 a Who owns the property at the point of diversion? Gem County, Idaho

b Who owns the land to be irrigated or place of use? Gem County, Idaho

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

12 Remarks The application was prepared by Holladay Engineering Company,  
P.O. Box 235, Payette, Idaho 83661 (208) 642-3304 Fax (208) 642-2159,  
Project Consultant for Gem County, Idaho

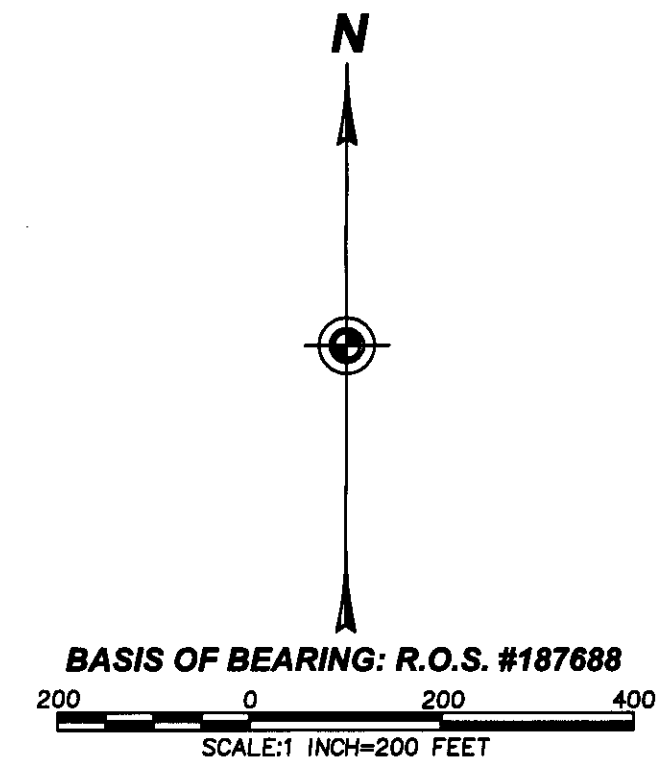
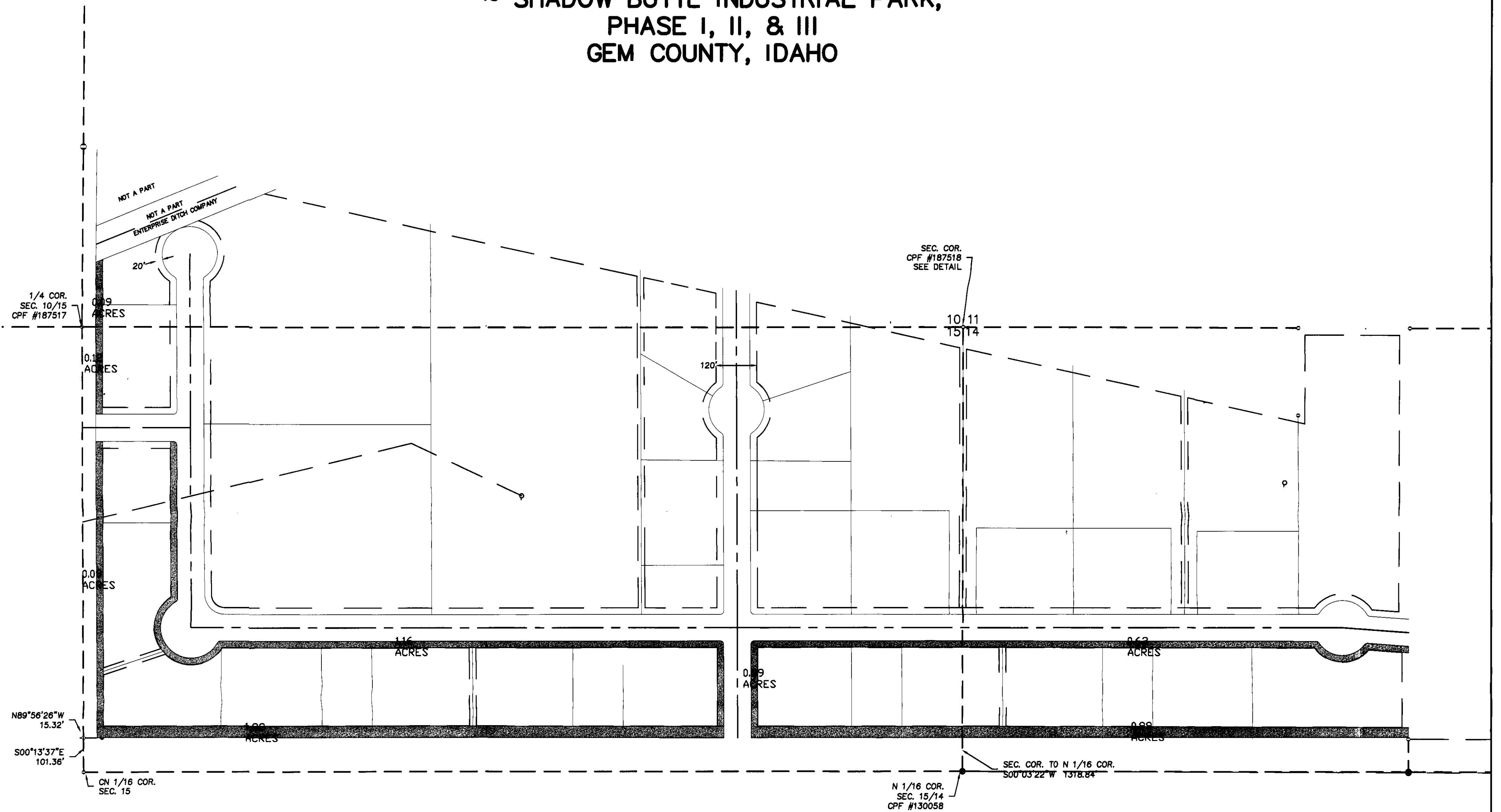
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Ed Mansfield Chairman  
 Signature of Applicant (and title, if applicable)

Received by KL Date 4/30/03 Time 10:31 Preliminary check by \_\_\_\_\_  
 Fee \$ 29000 Receipted by KL # W030403 Date 4/30/03  
 Publication prepared by ap Date 10-6-04 Published in M.F  
 Publication approved sh Date 10-25-04

# PROPOSED LANDSCAPE PLAN ~ SHADOW BUTTE INDUSTRIAL PARK, PHASE I, II, & III GEM COUNTY, IDAHO



| LEGEND, ABBREVIATIONS     |     |
|---------------------------|-----|
| SUBDIVISION/BOUNDARY LINE | —   |
| NEW LOT/PARCEL LINE       | —   |
| SECTION LINE              | —   |
| EASEMENT LINE             | —   |
| RIGHT-OF-WAY LINE         | —   |
| CENTER LINE               | —   |
| PHASE LINES               | —   |
| RECORD MEASUREMENT        | ( ) |
| FD. BRASS MON.            | ⊙   |
| FD. 5/8" REBAR w/CAP      | ⊙   |

FD. HWY. R/W MON.  
SET 5/8" REBAR w/CAP  
CALCULATED POINT  
EX.  
FD.  
R/W  
MON.  
CPF  
SEC.  
COR.

⊙  
△  
EXISTING  
FOUND  
RIGHT OF WAY  
MONUMENT  
CORNER PERPETUATION FORM  
SECTION  
CORNER

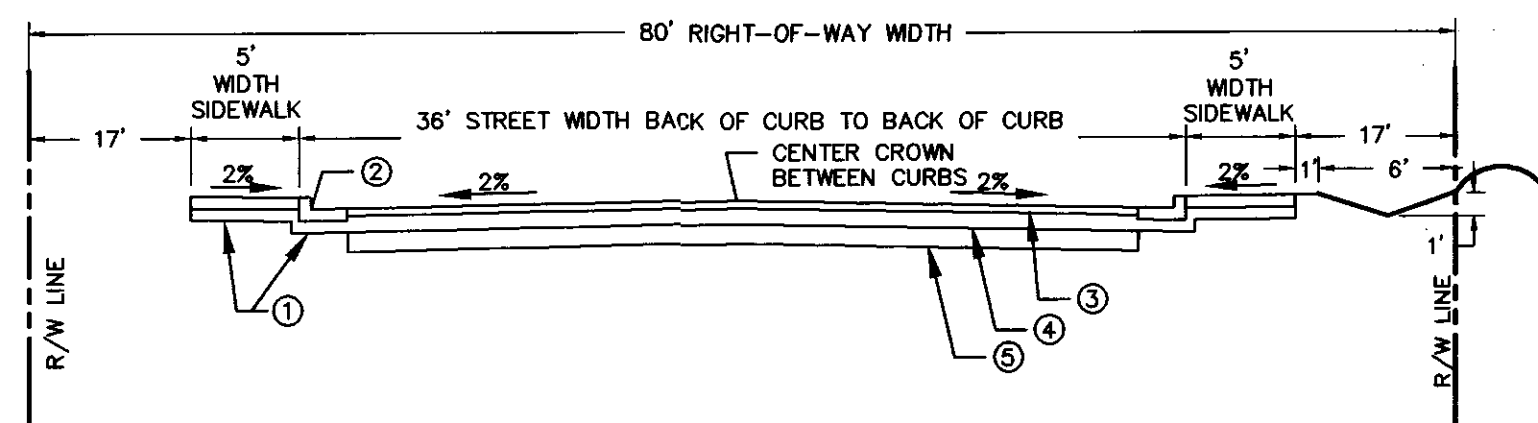
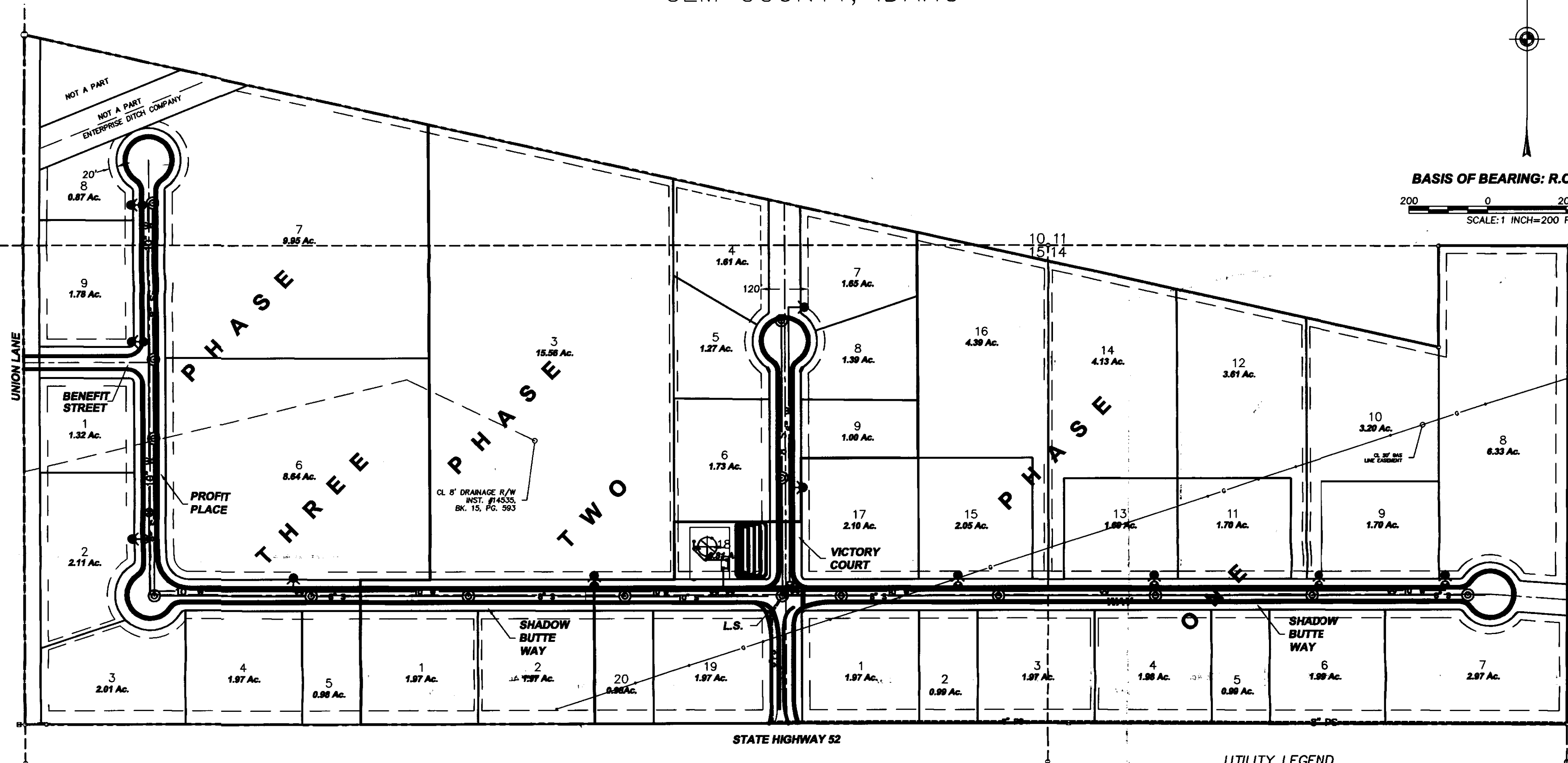
|                                   |                                                 |                                                                                                                                                                                       |                    |
|-----------------------------------|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| SUBDIVIDED FOR: <b>GEM COUNTY</b> |                                                 | ADDRESS: 415 E. MAIN<br>EMMETT, ID, 83617<br>365-4561                                                                                                                                 |                    |
| PREPARED BY: <b>HE</b>            |                                                 | <b>HOLLADAY ENGINEERING CO.</b><br>ENGINEERS • CONSULTANTS<br>32 N. MAIN P.O. BOX 235 PAYETTE, ID 83661<br>(208) 642-3304 • FAX# (208) 642-2159<br>EMAIL: hec@holladayengineering.com |                    |
| JOB NO:<br>GC 120502              | CADD FILE:<br>G:\GC\120502\Landscaping Plan.DWG | DATE:<br>9/08/04                                                                                                                                                                      | SHEET<br>1         |
| DRAWN BY:<br>JLM                  | FIELD BOOK/PAGE:                                | REVISED:                                                                                                                                                                              | CHECKED BY:<br>CHD |

# IMPROVEMENTS PLAN ~ SHADOW BUTTE INDUSTRIAL PARK, PHASE I, II, & III GEM COUNTY, IDAHO



BASIS OF BEARING: R.O.S. #187688

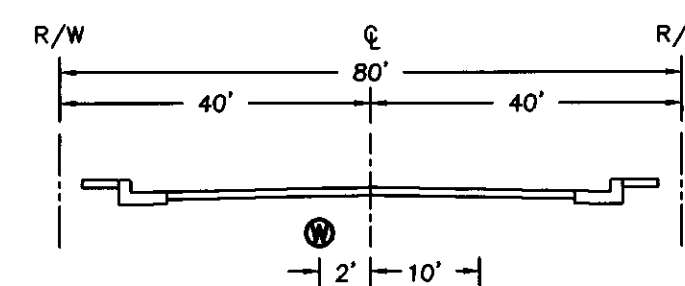
200 0 200 400  
SCALE: 1 INCH=200 FEET



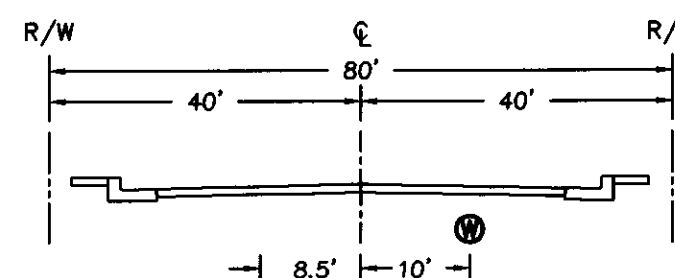
**TYPICAL CURB & GUTTER SECTION**  
N.T.S.

- LEGENDED
- ① CRUSHED AGGREGATE BASE COURSE 4" MIN. THICKNESS UNDER CURB AND 2" MIN. THICKNESS UNDER SIDEWALK.
  - ② 6" STANDARD CURB AND GUTTER.
  - ③ HOT PLANT MIX ASPHALT CONCRETE SURFACE COURSE.
  - ④ CRUSHED AGGREGATE BASE OR LEVELING COURSE.
  - ⑤ CRUSHED OR UNCRUSHED AGGREGATE BASE COURSE.

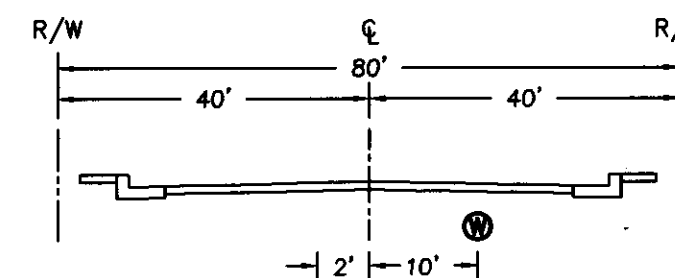
## TYPICAL WATER/SEWER LOCATIONS



**PROFIT PLACE - NORTH TO SOUTH**  
NOT TO SCALE

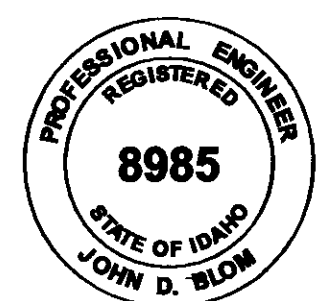


**VICTORY COURT - NORTH TO SOUTH**  
NOT TO SCALE



**SHADOW BUTTE WAY - EAST TO WEST**  
NOT TO SCALE

| UTILITY LEGEND          |      |
|-------------------------|------|
| NEW SEWER LINE          | SS   |
| NEW PRESSURE SEWER LINE | PS   |
| NEW WATER LINE          | W    |
| EXISTING GAS LINE       | C    |
| WATER VALVE             | ⊙    |
| FIRE HYDRANT            | ⊙    |
| SEWER MANHOLE           | ⊙    |
| LIFT STATION            | L.S. |

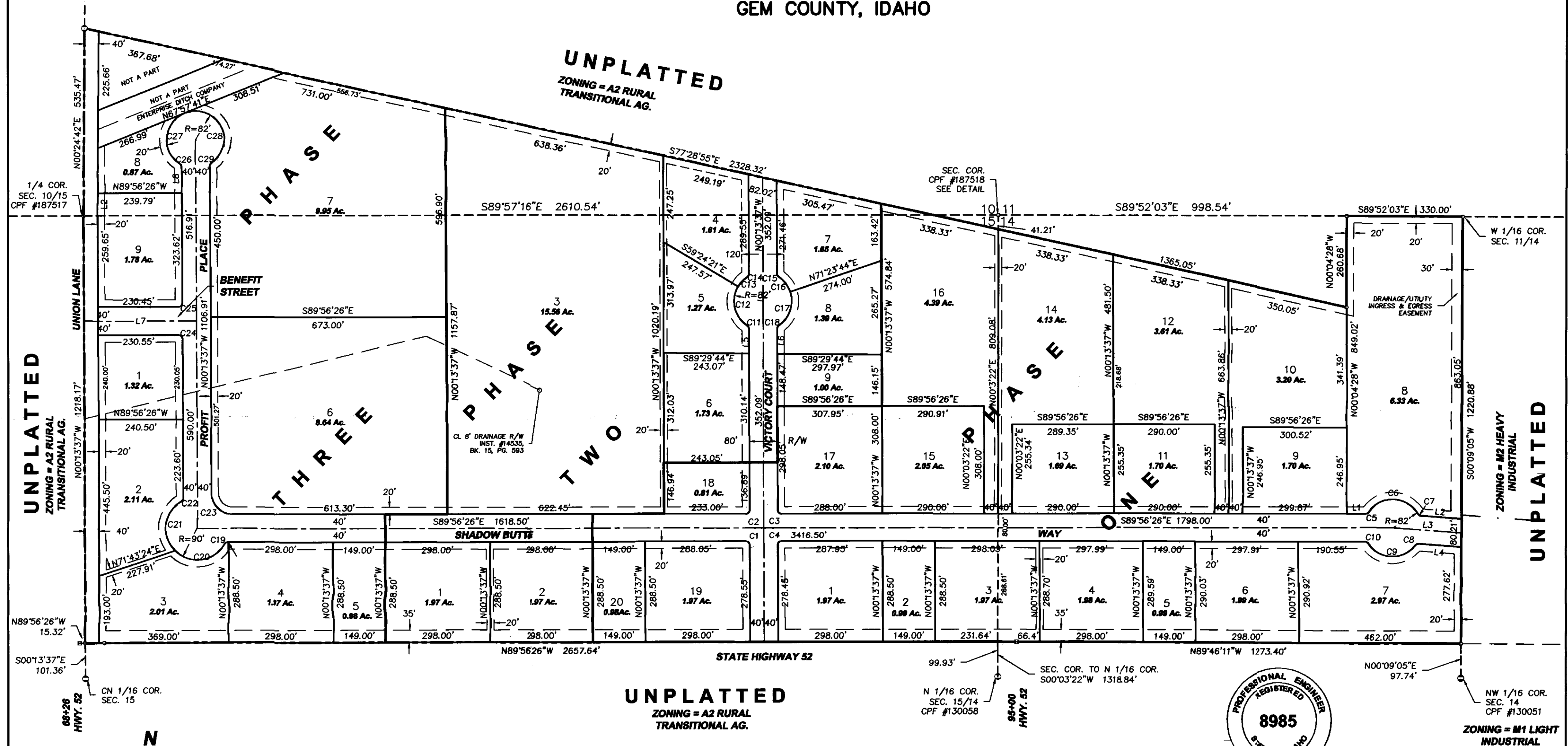


|                                   |                                         |                                                                                                                                                                                       |                    |
|-----------------------------------|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| SUBDIVIDED FOR: <b>GEM COUNTY</b> |                                         | ADDRESS: 415 E. MAIN<br>EMMETT, ID, 83617<br>365-4561                                                                                                                                 |                    |
| PREPARED BY: <b>HE</b>            |                                         | <b>HOLLADAY ENGINEERING CO.</b><br>ENGINEERS • CONSULTANTS<br>32 N. MAIN P.O. BOX 235 PAYETTE, ID 83661<br>(208) 642-3304 • FAX# (208) 642-2159<br>EMAIL: hec@holladayengineering.com |                    |
| JOB NO:<br>GC 120502              | CADD FILE:<br>G:\GC\120502\120502PP.DWG | DATE:<br>05/05/04                                                                                                                                                                     | SHEET 2 OF 2       |
| DRAWN BY:<br>LWK                  | FIELD BOOK/PAGE:<br>LL, PG. 1-          | REVISED:                                                                                                                                                                              | CHECKED BY:<br>JDB |

65-22918

CONCEPT PLAN ~ SHADOW BUTTE INDUSTRIAL PARK,  
PHASE I, II, & III

WITHIN THE S½SE¼ OF SECTION 10,  
AND THE NW¼NW¼ OF SECTION 14,  
AND THE N½NE¼ OF SECTION 15,  
TOWNSHIP 6 NORTH, RANGE 2 WEST, B.M.  
GEM COUNTY, IDAHO



INTENDED USE = INDUSTRIAL SUBDIVISION  
LAND USE = AGRICULTURAL/GRAZING  
ZONING = M1 LIGHT INDUSTRIAL

LEGEND, ABBREVIATIONS

|                                |     |
|--------------------------------|-----|
| SUBDIVISION /<br>BOUNDARY LINE | --- |
| NEW LOT/PARCEL LINE            | --- |
| SECTION LINE                   | --- |
| EASEMENT LINE                  | --- |
| RIGHT-OF-WAY LINE              | --- |
| CENTER LINE                    | --- |
| PHASE LINES                    | --- |
| RECORD MEASUREMENT             | ( ) |
| FD. BRASS MON.                 | ⊙   |
| FD. 5/8" REBAR w/CAP           | ○   |

FD. HWY. R/W MON.  
SET 5/8" REBAR w/CAP  
CALCULATED POINT  
EX.  
FD.  
R/W  
MON.  
CPF  
SEC.  
COR.

EXISTING  
FOUND  
RIGHT OF WAY  
MONUMENT  
CORNER PERPETUATION FORM  
SECTION  
CORNER

INDEX NUMBER: 06024-10-2-0-0-00-00  
06024-15-1-0-0-00-00  
06024-14-4-0-0-00-00

|                      |                                                                                                                                                                                       |                                                       |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| SUBDIVIDED<br>FOR:   | GEM COUNTY                                                                                                                                                                            | ADDRESS: 415 E. MAIN<br>EMMETT, ID, 83617<br>365-4561 |
| PREPARED<br>BY:      | <b>HOLLADAY ENGINEERING CO.</b><br>ENGINEERS • CONSULTANTS<br>32 N. MAIN P.O. BOX 235 PAYETTE, ID 83661<br>(208) 642-3304 • FAX# (208) 642-2159<br>EMAIL: hec@holladayengineering.com |                                                       |
| JOB NO:<br>GC 120502 | CADD FILE:<br>G:\GC\120502\CONCEPT\120502PLAT.DWG                                                                                                                                     | DATE:<br>5/10/04                                      |
| DRAWN BY:<br>LWK     | FIELD BOOK/PAGE:<br>LL, PG. 1-                                                                                                                                                        | SHEET 1 OF 2<br>CHECKED BY:<br>JDB                    |



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

November 16, 2004

COUNTY OF GEM  
415 E MAIN ST  
EMMETT ID 83617

RE: Permit No. 65-22918

**Permit Approval Notice**

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

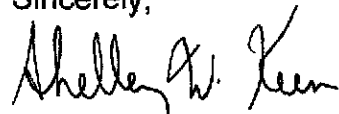
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

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

If you have any questions, please contact me at 208-287-4947.

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

cc: HOLLADAY ENGINEERING CO

## **CERTIFICATE OF SERVICE**

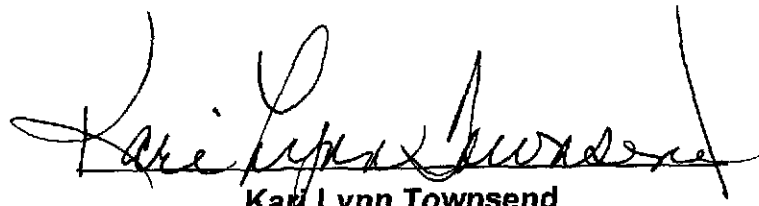
I hereby certify that on November 16, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

**RE: WATER RIGHT NO.**

**65-22918**

**COUNTY OF GEM  
415 E MAIN ST  
EMMETT ID 83617**

**HOLLADAY ENGINEERING CO  
CHRIS DUNCAN  
PO BOX 235  
PAYETTE ID 83661**



**Kari Lynn Townsend  
Secretary**

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

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

**PETITION FOR RECONSIDERATION**

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

**EXCEPTIONS AND BRIEFS**

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

**REQUEST FOR HEARING**

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

**ORAL ARGUMENT**

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

**CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01 01302 and 37.01.01303 (Rules of Procedure 302 and 303)

## **FINAL ORDER**

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

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

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

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

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

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

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

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

## **Comment Report**

**65-22918**

1. scurtis 9/21/2004 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.

Municipal use is for Shadow Butte Industrial Park.

2. dnelson 9/21/2004 Comment/Analysis

Comment: This application is to supply municipal use for Shadow Butte Industrial Park.

This is a county project and appears to qualify as a municipal provider. This right was filed for a specific area and not a service area. Therefore, a service area should not be used in this situation. Last Chance Ditch Company Rights and a private right held by Gem County out of an unnamed drain (65-7660A) overlap the place of use. Both of these rights are for irrigation and shouldnt affect the municipal right. However, I do recommend that a condition be placed on the permit that any irrigation under this right must use the full allocation of surface water prior to using groundwater from this right.

3. kwalker 11/10/2004 Permit Review

Comment: Recommend approval.

CONSULTANT Holiday Engineering  
Chris Duncan

Gem County

Form No 202a  
April 2003

RECEIVED

NOV - 8 2004

IDAHO DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

Initial review by DAN Date 6-24-03 Application # 105-22918

REQUIRED INFORMATION

- ☒ Name (for corporation or partnership, names & addresses for director, officers, &/or other partners must be included)
- ☒ Address
- ☒ Source (see USGS quad for source names)
- ☒ P/D (10 acres for spring, lot & block descriptions for subdivisions, local name)
- ☒ County
- ☒ Quantity (flow &/or volume)
- ☒ Period of use
- ☒ Nature of use (list details in appl. Item 8 if non-irrigation)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ P/U
- ☒ Map (show T, R, S, QQ &/OR QQQ)
- Subdivision plat (if > 1 home restricted area ≥ 5 homes non-restricted area)
- ☒ Signature (if corporation, partnership, municipality, need title of signatory)
- ☒ Correct fee paid
- Government Lots  
NO P/D  
NO P/U

ADDITIONAL INFORMATION

YES ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ P/D overlap (explain) NO P/D OVERLAP
- ☒ P/U overlap (explain) LAST CHANCE DITCH CO. AND 65-7660A
- ☒ Critical groundwater area (send letter) FROM AN UNNAMED
- ☒ Ground water management area (send letter) DRAIN OVERLAP
- ☒ Drilling concern area (send letter) P/U
- ☒ 1992 moratorium (send letter)
- ☒ Surface water source, IDFG comment letter
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to Dam Safety staff (if any storage)
- ☒ Mitigation plan: "request to process form" in file:
- ☐ Immediate = closed areas, acceptable plan required & submitted
- ☒ Future = open areas, plan not required
- ☒ Send power requirement letter &/or fish farm requirement letter
- ☒ Power residency affidavit
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (if YES, attach large diversion supplementary analysis sheet)
- ☒ REQUEST ADDITIONAL INFORMATION FROM APPLICANT

Date Requested \_\_\_\_\_ Date Response Received \_\_\_\_\_

**PROCESSING**

APPLICATION # 65-22918

YES NO

              In form for advertising

       X Statewide advertising (> 10 cfs &/or 1000 af)

X        Fee amount, receipt number, & date recorded on application

**COMMENT LETTERS**

YES NO

X        IDEQ

X        District Health

       X IDFG

       X IDL

YES NO

       X US BLM

       X US Forest Service

       X Water Dist #       

       X Water Planning Bureau

       X Other       

**FINAL REGIONAL PROCESSING REVIEW**

YES NO

X        Affidavit of publication received

X        Application published correctly? If not, record action taken       

X        Publication dates & paper recorded on application

              Final date for protest 10-25-04

       X Protests received

              Recommendations attached

              Measuring device required

              Water delivered by water master? District #       

              Special conditions of approval or cover letter

Std conditions

102, 046, Public drinky water condition

Must meet DEQ condition

Recommended Date of Priority 4/30/2003

Recommendation ☒ Approve ☐ Deny by J. Westra Date 11/4/04

**ADDITIONAL INFORMATION**

☒ See attached proof report, note Legal Notice Remarks &/or Comments

☒ Shapefile completed (optional: attach with proof report)

CONDITION 102 SURFACE WATER OVERLAP

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22918

WATER RIGHT NUMBER. 65-22918

|                   |                                                                                             |
|-------------------|---------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                     |
| Representative    | HOLLADAY ENGINEERING CO<br>CHRIS DUNCAN<br>PO BOX 235<br>PAYETTE, ID 83661<br>(208)642-3304 |

|               |                                                                     |
|---------------|---------------------------------------------------------------------|
| Current Owner | COUNTY OF GEM<br>415 E MAIN ST<br>EMMETT, ID 83617<br>(208)365-4561 |
|---------------|---------------------------------------------------------------------|

Priority Date: 04/30/2003

Basis:

Status. Active

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

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| MUNICIPAL             | 01/01 to 12/31          | 1 120 CFS             |                      |
|                       | <u>Total Diversion.</u> | 1.120 CFS             |                      |

Location of Point(s) of Diversion

|              |            |                                 |
|--------------|------------|---------------------------------|
| GROUND WATER | NE1/4NE1/4 | Sec. 15, Twp 06N, Rge 02W, B.M. |
| GEM County   |            |                                 |
| GROUND WATER | NE1/4NE1/4 | Sec. 15, Twp 06N, Rge 02W, B.M. |
| GEM County   |            |                                 |

Place of UseConditions of Approval.Remarks:

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22918

Comments:

1 scurtis 9/21/2004 Legal Notice Remarks

Comment. Applicant agrees to mitigate consumptive use in the future as needed  
Municipal use is for Shadow Butte Industrial Park.

2. dnelson 9/21/2004 Comment/Analysis

Comment: This application is to supply municipal use for Shadow Butte Industrial Park. This is a county project and appears to qualify as a municipal provider. This right was filed for a specific area and not a service area. Therefore, a service area should not be used in this situation. Last Chance Ditch Company Rights and a private right held by Gem County out of an unnamed drain (65-7660A) overlap the place of use. Both of these rights are for irrigation and shouldn't affect the municipal right. However, I do recommend that a condition be placed on the permit that any irrigation under this right must use the full allocation of surface water prior to using groundwater from this right.

Dates and Other Information.

Application Received Date: 4/30/2003

Application Denied Date:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date: 10/25/2004

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks: Place of use is 110 acre property for development

Other Water Rights:

Time to Complete Works: 5

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits.

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

65-22918

COUNTY OF GEM  
415 E MAIN ST  
EMMETT ID 83617

Point(s) of Diversion  
GEM County

NENE S15 T06N R02W  
Source GROUND WATER

Point(s) of Diversion  
GEM County

NENE S15 T06N R02W  
Source GROUND WATER

Use: MUNICIPAL  
Total Diversion:

01/01 To 12/31 1.12 CFS  
1.12 CFS

Date Filed: 04/06/2004

Remark: Applicant agrees to mitigate consumptive use in the future as needed. Municipal use is for Shadow Butte Industrial Park.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 10/25/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub: 10-6, 13, 2004.

Legal Notice No. 5647  
Published in the Messenger Index

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
County of Gem ) SS.

ANTHONY M. CLARK  
of Emmett, Gem County, Idaho, being first duly sworn,  
deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Messenger Index, a weekly newspaper published in the City of Emmett in the County of Gem, State of Idaho; that the said newspaper is in general circulation in the said County of Gem, and in the vicinity of Emmett, and has been uninterruptedly published in said County during a period of fifty-two consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in the newspaper two times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following:  
October 6, 13, 2004

STATE OF IDAHO )  
County of Gem )

On this 13th day of October in the year of 2004 before me a Notary Public, personally appeared Anthony M. Clark known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he executed the same.

Notary Public for Idaho  
Residing at Nampa  
My Commission expires

RUBEN SILVA  
Notary Public  
State of Idaho

My Commission Expires  
April 2, 2007

**Kreger (Taylor), Sue**

---

To: srae@deq.state.id.us  
Cc: Kreger (Taylor), Sue  
Subject: comment letters

**IDAHO DEPARTMENT OF WATER RESOURCES  
WESTERN REGION  
2735 AIRPORT WAY  
BOISE ID 83705**

September 30, 2004

ID DEPT ENV QUALITY  
STEVE RAE  
1445 N ORCHARD  
BOISE ID 83706-2239

Dear Mr. Rae:

Attached are copies of one or more applications that may be of interest to you and/or to a local District Health office should you choose to delegate review of the application(s) to that organization. Please contact the applicant if your agency and/or District Health have concerns about the application(s). It is not necessary to provide agency comments to the Idaho Department of Water Resources (IDWR), although your comments are welcome if you think IDWR would benefit from them.

If your agency and/or a local District Health office desires to file a formal protest against approval of any of these applications, a written protest along with the \$25.00 protest fee for each application protested must be received in this office by October 25, 2004.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,

Sue Kreger  
(208) 334-2190  
Id Dept Water Resources  
skreger@idwr.state.id.us



71407.pdf



65-22918.pdf



63-31859.pdf



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

September 30, 2004

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

ENVIRONMENTAL HEALTH  
SOUTHWEST DISTRICT HEALTH  
920 MAIN  
CALDWELL ID 83605

Re: Water Right Application

Enclosed is a copy of an application(s) that may be of interest to you. Please review the application(s) submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by October 25, 2004.

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

Sincerely,

  
Sue Kreger  
Administrative Assistant

Encl. Copy of Application

**IDAHO DEPARTMENT OF WATER RESOURCES  
WESTERN REGION  
2735 AIRPORT WAY  
BOISE ID 83705**

September 29, 2004

**Legal Notice Department**  
MESSENGER-INDEX  
PO BOX 577  
EMMETT ID 83617

RE: Application for Permit No. 65-22894, 65-22896 and 65-22918

**Dear LEGAL NOTICE DEPARTMENT:**

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/25/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger  
Administrative Assistant

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

65-22918

COUNTY OF GEM  
415 E MAIN ST  
EMMETT ID 83617

Point(s) of Diversion NENE S15 T06N R02W GEM County Source GROUND WATER

Point(s) of Diversion NENE S15 T06N R02W GEM County Source GROUND WATER

Use. MUNICIPAL 01/01 To 12/31 1 12 CFS

Total Diversion 1 12 CFS

Date Filed 04/30/2003

Remark. Applicant agrees to mitigate consumptive use in the future as needed.

Municipal use is for Shadow Butte Industrial Park.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 10/25/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Messenger Index on October 6 and 13, 2004.



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

March 17, 2004

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

HOLLADAY ENGINEERING CO.  
ATTN: JOHN BLOM  
PO BOX 235  
PAYETTE ID 83661

***RE: APPLICATION FOR PERMIT FOR SHADOW BUTTE  
INDUSTRIAL PARK***

Dear Mr. Blom:

Our office your letter dated 3/12/2004 requesting that the application for permit for Shadow Butte Industrial Park for Gem County be held for on year. Your request has been granted. Gem County's application for permit will be held until March 1, 2005.

You will need to supply the needed information requested in previous letters on or before the March 1, 2005. I will hold this application in my office until that time period. If you have any questions or concerns please contact me at the above address.

Respectfully,

Daniel A. Nelson  
Sr. Water Right Agent



# HOLLADAY ENGINEERING CO.

ENGINEERS • CONSULTANTS

32 N. Main P.O. Box 235 Payette, ID 83661  
(208) 642-3304 • Fax # (208) 642-2159

RECEIVED

MAR 12 2004

WATER RESOURCES  
WESTERN REGION

March 10, 2004

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

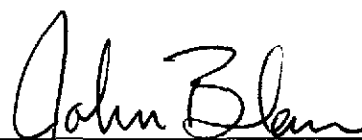
Re: Request for Time Extension in Processing of Gem County Industrial Park Application for  
Permit to Appropriate Water, Gem County, Idaho

Dear Mr. Nelson,

We request that the application for permit to appropriate water for the Shadow Butte Industrial Park be held from processing until March 1, 2005. Due to delays in the review and approval of the preliminary plat map submitted to Gem County in February 2004, we are requesting a time extension in water right application processing. We expect preliminary plat acceptance to occur by July of 2004. As soon as we receive approval, we will submit documentation detailing project acceptance, water supply and demand requirements, and the types of water uses planned for industrial park development.

We apologize for the delay in submitting the information requested in your letter dated November 12, 2003. If you have any questions or concerns, please contact Chris Duncan or John Blom at (208) 642-3304.

Sincerely,  
HOLLADAY ENGINEERING COMPANY

By:   
John Blom  
Project Manager

Cc: Ed Mansfield, Gem County Commissioner



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

March 9, 2004

FAX (208) 334-2348

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

HOLLADAY ENGINEERING CO  
ATTN: JON BLOM  
PO BOX 235  
PAYETTE ID 83661

***RE: APPLICATION FOR PERMIT FOR AN INDUSTRIAL PARK  
FOR GEM COUNTY***

Dear Blom:

On 11/6/2003, our office received a request from you on behalf of Gem County to hold their application for permit for an industrial park until 3/1/2004. On 11/12/2004, our office granted that request. This delay was a result of a request for a plat map and the calculations showing the water needs of the industrial park.

The extension of time has past and we have not heard from you or Gem County regarding this application for permit. Please supply the status of this application within 14 days of this letter or 3/23/2004. You may supply the information needed, or you may also request additional time to supply that information. If our office does not receive adequate information or a written request of additional time, the Department will issue a preliminary order to reject or deny the application.

If more time were needed, I would recommend that you request one year to supply the needed information. This would allow ample time to put together a plan for this application. If you have any questions or concerns please contact me at the above address.

Respectfully,

A handwritten signature in black ink, appearing to read 'Daniel A. Nelson'.

Daniel A. Nelson  
Sr. Water Right Agent



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

November 12, 2003

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

HOLLADAY ENGINEERING CO  
ATTN: JON BLOM  
PO BOX 235  
PAYETTE ID 83661

***RE: APPLICATION FOR PERMIT INDUSTRIAL PARK FOR GEM  
COUNTY***

Dear Applicant:

Our office received your request to hold the Gem County application for permit to divert groundwater for an industrial park until March 1, 2003. This request is the result of a request I made to your consultant requesting a plat map and information showing the water needs of the project and how those needs were calculated. This information is crucial to prevent possible speculation of potential applicants. The applicant must show they have a definite plan for the proposed water use and a reasonable idea of the amount of water that water use will require.

In speaking with the consultant, it appears that your plan has not been formalized to the point that you are ready to secure a water right. Therefore, our office will grant an extension of time to supply the information needed above until the date requested of March 1, 2004.

Thank you for your cooperation and we look forward to receiving the above information. If you have any questions or concerns please contact me at the above address.

Respectfully,

A handwritten signature in cursive script that reads 'Daniel A. Nelson'.

Daniel A. Nelson  
Sr. Water Right Agent

cc Gem County



# HOLLADAY ENGINEERING CO.

ENGINEERS • CONSULTANTS

32 N. Main      P.O. Box 235      Payette, ID 83661  
(208) 642-3304 • Fax # (208) 642-2159

November 4, 2003

RECEIVED

NOV 06 2003

WATER RESOURCES  
WESTERN REGION

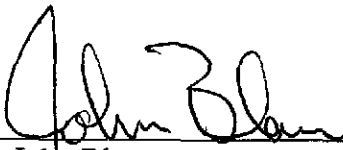
Dan Nelson  
Western Regional Office  
Department of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082

Re: Gem County Industrial Park Application for Permit to Appropriate Water

Dear Mr. Nelson,

On April 30, 2003, Holladay Engineering submitted an application for appropriation of water for the Gem County Shadow Butte Industrial Park located in Emmett, Idaho. Gem County requests that the application be held from processing until March 1, 2004. Due to delays in the project, a preliminary plat map has not been completed yet. We anticipate completion of the preliminary plat map and water system design in early 2004.

Sincerely,  
HOLLADAY ENGINEERING COMPANY

By:   
John Blom  
Project Manager

Cc: Ed Mansfield, Gem County Commissioner