

T7N R2E

**NWSE
LOT2
2 AC**

NESE

**SESE
1.4 AC**

**SWSE
LOT1
30.8 AC**

27

34

**NWNE
LOT 4
6.5 AC**

MICROFILMED

OCT 02 2002

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3487

State of Idaho)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with June 5, 2002 and ending with the issue of June 12, 2002.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 13 day of June in the year 2002, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Diane E. Caughlin

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires June 26, 2007
BONDED THRU NOTARY PUBLIC UNDERWRITERS

DIANE E CAUGHLIN
Notary Public
State of Idaho

Notice Of Application

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

65-22676

HORSESHOE BEND SCHOOL DISTRICT 73
398 SCHOOL DR
HORSESHOE BEND ID 83629
Point(s) of Diversion L1 SWSE S27 T07N R02E BOISE County
Source GROUND WATER
Use: IRRIGATION 03/01 To 10/31 0.81 CFS
Total Diversion: 0.81 CFS

Date Filed: 04/25/2002
Place Of Use: IRRIGATION
T07N R02E S27 NWSE Lot 2 SWSE Lot 1 SESE
T07N R02E S34 NENW Lot 4
Number of Acres 40.7

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

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 06/24/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho World on June 5 and 12, 2002.

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JUN 19 2002

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OCT 02 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22676

Priority: 04/25/2002

Maximum Diversion Rate: 0.81 CFS

This is to certify, that HORSESHOE BEND SCHOOL DIST 73
398 SCHOOL DR
HORSESHOE BEND ID 83629

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>
IRRIGATION	03/15 to 10/31	0.81 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER L1 SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 27, Twp 07N, Rge 02E, B.M , BOISE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 02E 27													2.0	30.8	1.4		34.2
07N 02E 34					6.5								L2	L1			6.5
					L4												

Total Acres: 40.7

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before September 01, 2007.
- 2 Subject to all prior water rights.
- 3 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
- 4 Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works
- 5 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control

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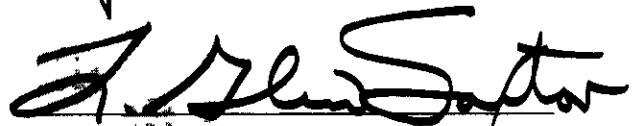
OCT 02 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22676

7. When water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate the depletion of water caused by this water use
8. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
9. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
11. 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 26th day of August, 2002


for **KARL J DREHER, Director**

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OCT 02 2002

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AUG 22 2002

FORM 202
12/99

Department of Water Resources

Ident. No. 65-22676STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

HORSESHOE BEND SCHOOL DIST. 73

Phone 208 793 2225

1 Name of Applicant _____
Mailing address 398 School Drive Horseshoe Bend Idaho 836292. Source of water supply Ground water which is a tributary of _____3. Location of point of diversion is Township 7 N Range 2E Sec. 27, in the _____
SW 1/4, SE 1/4, Govt. Lot 1, B.M., Boise County;

additional points of diversion if any. _____

4 Water will be used for the following purposes:

Amount 20.81 for Irrigation purposes from Mar 1 to Nov 15 (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) 20.81 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 Football field x2 with 3"
hand line sprinkler, and connect to under ground sprinkler systemb. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feetc Proposed well diameter is 8" inches; proposed depth of well is 100' feetd. 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. _____

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JAN 29 2002

WATER RESOURCES
WESTERN REGION

MICROFILMED

07 2002

I agree to the following
application charges.3-1-02 Date.

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	
7 N	2 E	27														2	30.8	1.4	34.2
		34					6.5									17.2	1.5		6.5
							LT4												
																			Total
																			40.7

Total number of acres to be irrigated 40.7

10 Describe any other water rights used for the same purposes as described above. Payette river right
65-10886 and # 65-7635

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

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

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

12. Remarks: This will supplement The Above Payette River Rights.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"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.

Lewis McIn Superintendent School Dist #73

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

Received by Janis Fontaine Date 1/29/02 Time 12:30 Preliminary check by DAN
Fee \$ 100.00 Receipted by Janis Fontaine # W028683 Date 1/29/02
Publication prepared by edit Date 6-5-02 Published in IDAHO WORLD
Publication approved edit Date 6-27-02

Fee upgrade Received 4-25-2002 @ 11:18 AM.

KG Received Receipt # W029077

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OCT 02 2002

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5-9-2002.

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JUN 12 2002

REQUEST TO PROCESS

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

Name of Applicant HORSESHOE BEND SCHOOL DIST. 73
Mailing Address 398 SCHOOL DRIVE
HORSESHOE BEND, ID 83629
Application No. N/A
(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

Limothy P. [Signature] MAINTENANCE SUPER.

Date

3-6-02

Please return this form to:

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

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OCT 02 2002

HORSESHOE BEND SCHOOL DISTRICT ADMINISTRATORS

SUPERIDENTENT → Louis McLin → 793-2225

BUSINESS SECRETARY → Sandy Boyington → 793-2225

MAINTENANCE SUPERVISOR AND MAIN CONTACT →

Tim Kalac → 793-2225

Tim Kalac

3-6-02

**MICROFILMED
OCT 02 2002**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 27, 2002

HORSESHOE BEND SCHOOL DIST 73
398 SCHOOL DR
HORSESHOE BEND ID 83629

RE: Permit No. 65-22676

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.

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AUG 29 2002

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

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

Sincerely,

for Shelley W. Keen
Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

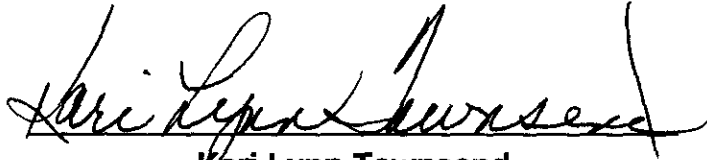
MICROFILMED
OCT 02 2002

CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2002 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. 65-22676

**HORSESHOE BEND SCHOOL DIST 73
398 SCHOOL DR
HORSESHOE BEND ID 83629**

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

**Kari Lynn Townsend
Secretary**

MICROFILMED

OCT 02 2002

**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.

January 2001

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEETINITIAL REVIEW BY: DAN DATE: 2-27-02 APPLICATION: 65-22676REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

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AUG 22 2002

Gov't. Lots:

yes P/Dyes P/U

Department of Water Resources

ADDITIONAL INFORMATIONyes ADVERTISE REMARK(S)

(Reviewer identify which remarks)

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on next page.) Same Place of use & point of diversion
- ☒ Overlapping point of diversion. DIFFERENT SOURCE
- ☒ Critical groundwater area:
- ☒ Groundwater management area:
- ☒ 1992 moratorium:
- ☒ Surface water source, IDFG letter needed.
- ☒ Protected river or minimum flow reach, notify water planning bureau.
- ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ E-mail to Dam Safety staff: (for any storage)
- ☒ Mitigation plan: Check any that apply.
- ☐ immediate = acceptable plan required and submitted.
- ☒ future = open areas, acceptance of condition of approval is in file.
- ☒ 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 THE APPLICANT

Need a bunch of INFO. Reviewed 3-6-2002Need Fee upgrade (Requested 3-6-2002)Date Requested 2-27-02Date Response Received 4-25-02

PROCESSING.

APP. NO. _____

YES NO

In form for advertising:

_____ 4 Statewide advertising: (> 10 cfs &/or 1000 af)

X _____ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

_____ X I.D. Health & Welfare

_____ X I.D. District Health

_____ X I.D. Fish & Game

_____ X I.D. Lands

YES NO

_____ X U.S. BLM

_____ X U.S. Forest Service

_____ X Water Dist. # _____

_____ X Water Planning Bureau

_____ X Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

✓ _____ Affidavit of publication received:

✓ _____ Application published correctly: If not, record action taken.

✓ _____ Publication dates and paper recorded on application:

_____ Final date for protest 6-24-02

_____ ✓ Protests received.

_____ ✓ Recommendations attached:

✓ _____ Measuring device required:

✓ _____ Water delivered by water master? District # 65, Payette River

✓ _____ Special conditions of approval or cover letter:

046, 121 Because of the proximity of the proposed well to the Payette River, ~~the~~ dispersion of water from the well should be under the control of the watermaster of district 65, Payette River.

See below for additional information

Recommended Date or Priority 1/29/02

Recommended by: Days Date: 8/21/02

ADDITIONAL INFORMATION:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 15, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

HORSESHOE BEND SCHOOL DIST. 73
ATTN TIM KALAC
398 SCHOOL DRIVE
HORSESHOE BEND ID 83629

RE: APPLICATION FOR PERMIT 65-22676

Dear Mr. Kalac:

This letter is written to confirm our telephone conversation on 8/14/2002. During this conversation I informed you that due to the location of the well, my regional manager was considering treating the ground water diverted from the well as being tributary to the Payette River. The Snake River Basin Adjudication (SRBA) has determined that ground water and surface water are dependent on each other in certain situations and should be managed conjunctively or together.

You told me that you understood the conjunctive management issues and to proceed with the processing of the application. You also asked that I compose this letter to help you explain to your superiors the consequences of your application being permitted as groundwater tributary to the Payette River.

If the our State Office staff agrees with the Western Region's recommendation your ground water application will be treated just like a surface water right and will be subject to the following conditions:

1. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
3. When water is not available to fill this right, the right holder shall cease diversion or shall rent water from the Payette River Rental Pool.

The conditions that will be proposed are similar to the conditions required under your existing surface water rights from the Payette River. You will asked to take the same steps for your ground water that you are currently taking with your surface water rights except you will not need to deal with the canal diversion or the canal.

MICROFILMED

AUG 15 2002

Page 2

Horseshoe Bend School

We discussed briefly the possibility of a future transfer of your Payette River water rights to the well if the well is considered tributary to the Payette River. This may be a possibility if the ground water right is permitted as being tributary to the Payette River. However, I cannot make a determination on this issue until a transfer has been filed and I have the opportunity to submit a proposal like this to administration. We could discuss this possibility in the future with my Regional Manager, Gary Spackman, if you decide to go this route and maybe get an answer for you prior to filing the transfer and paying the fees.

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", with a long horizontal flourish extending to the right.

Daniel A. Nelson
Sr. Water Right Agent

MICROFILMED

OCT 02 2002

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3487

State of Idaho)
)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with June 5, 2002 and ending with the issue of June 12, 2002.

Deanna Stevenson

State of Idaho)
)
County of Boise)

On this 13 day of June in the year 2002, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Diane E. Caughlin

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires June 26, 2007
BONDED THRU NOTARY PUBLIC UNDERWRITERS

DIANE E. CAUGHLIN
Notary Public
State of Idaho

THE IDAHO DEPARTMENT OF WATER RESOURCES is authorized to appropriate the public waters of the State of Idaho.

HORSESHOE BEND SCHOOL DISTRICT 73
308 SCHOOL DR.
HORSESHOE BEND ID 83629
Point(s) of Diversion L1 SW/4S27 T07N R02E BOISE County
SOURCE: FOUNTAIN WATER
Use: IRRIGATION 03/01 To 10/31 0.81 CFS
Total Diversion: 0.81 CFS
Date Filed: 04/25/2002
Place of Use: IRRIGATION
TOWN: 35S 27N R02E E01S01 1 SESE
TOWNSHIP: 35S 27N R02E
Number of Acres: 49.7
Remarks: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protestants may be submitted based on the terms 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, 2730 N. 20th St., Boise ID 83705 together with a payment of \$25.00 for each application on or before 4/24/2002. The protestant must also send a copy of the protest to the applicant.
KARL JOSENER, Director
Bureau of the Idaho Department of Water Resources

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 30, 2002

Legal Notice Department

Idaho World

PO Box 99

Garden Valley ID 83622

RE: Applications for Permit Nos. 65-22676 and 65-22680

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find two 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 06/24/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

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

65-22676

HORSESHOE BEND SCHOOL DISTRICT 73
398 SCHOOL DR
HORSESHOE BEND ID 83629

Point(s) of Diversion L1 SWSE S27 T07N R02E BOISE County Source GROUND WATER

Use IRRIGATION 03/01 To 10/31 0.81 CFS
Total Diversion 0.81 CFS

Date Filed. 04/25/2002

Place Of Use: IRRIGATION

T07N R02E S27 NWSE Lot 2 SWSE Lot 1 SESE

T07N R02E S34 NENW Lot 4

Number of Acres 40.7

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

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 06/24/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho World on June 5 and 12, 2002

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