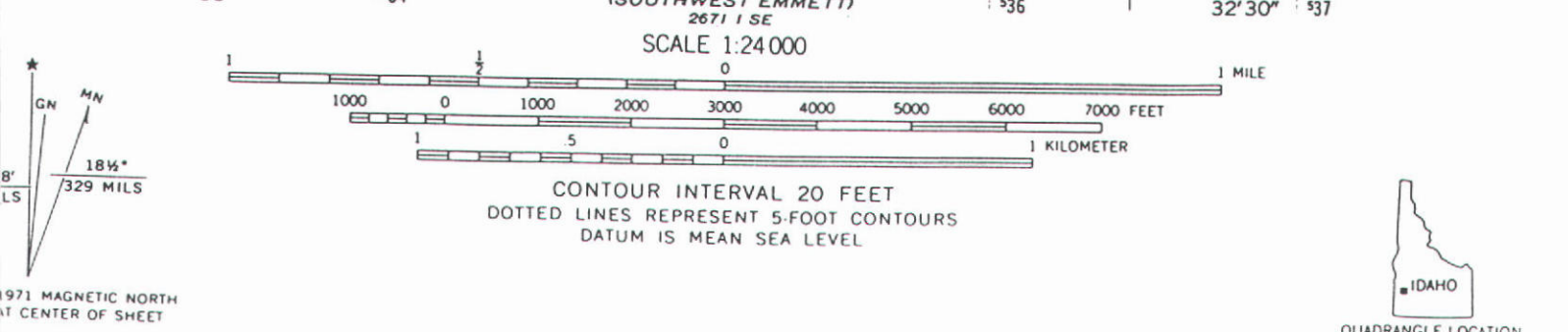
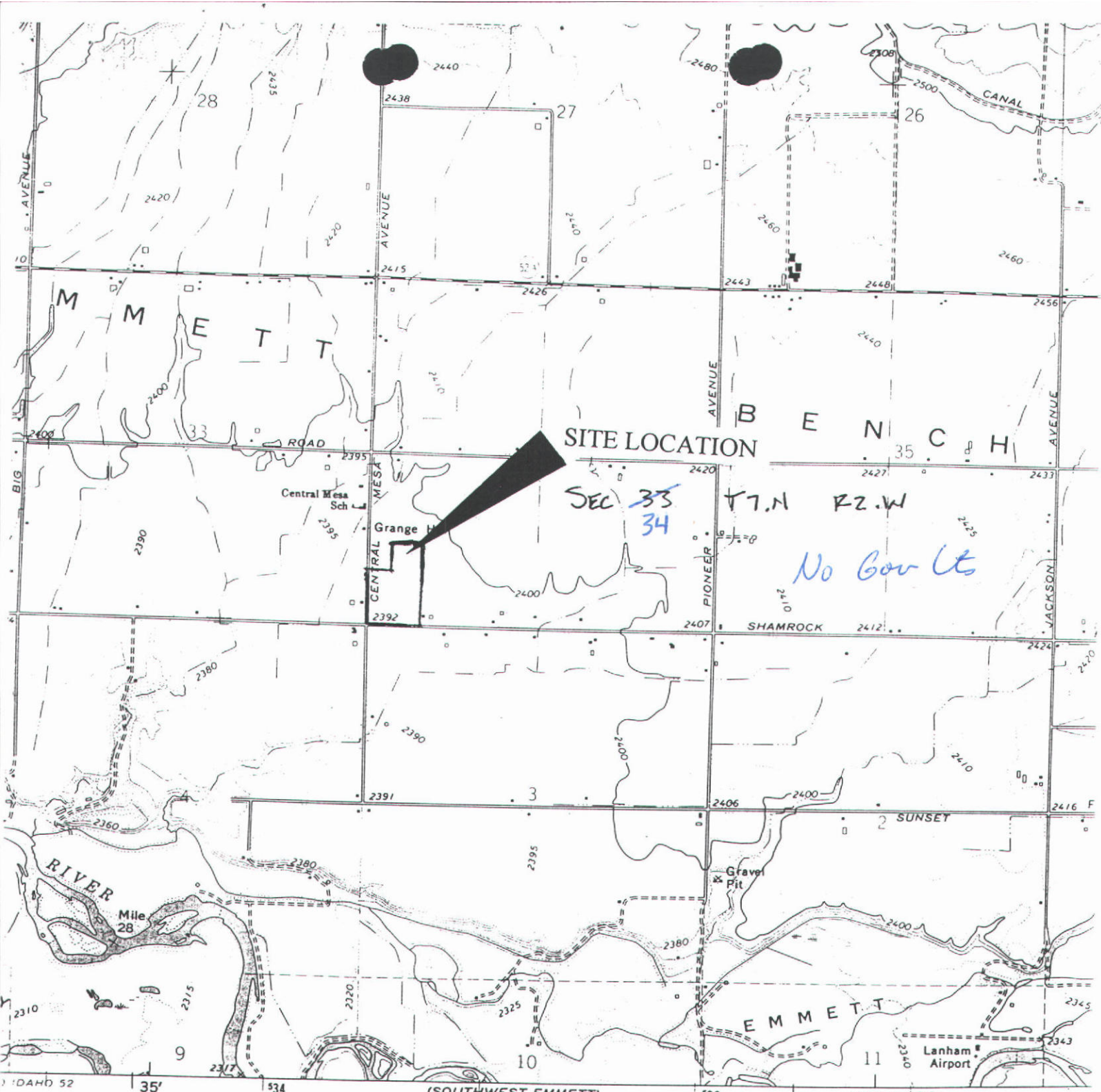




THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D. C. 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

30 JUN 1999

RECEIVED

JUL 14 1999

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
ss.
COUNTY OF GEM,

Mary K. Black, being first
duly sworn, on her oath deposes and
says that she is the clerk of the Mes-
senger Index, a legal weekly news-
paper published at Emmett, in Gem
County, Idaho; that said newspaper
is in general circulation in said
county and has been published unin-
terruptedly and continuously for
more than 78 weeks prior to the
first publication of the annexed
document; and that the document
notice, process, or advertisement
hereunto annexed was published in
the regular edition of Messenger
Index for two

consecutive weekly issues thereof,
beginning with the issue of
7-7, 1999,
and ending with the issue of
7-14, 1999

Mary K. Black
Subscribed and sworn to me this

14th day of
July, 1999

Marianne Chaney
Notary Public
Residing at Emmett, Idaho

My Commission Expires 2-4-2005

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13886

EMMETT SCHOOL DISTRICT #221
601 E 3RD ST
EMMETT, ID 83617

Source: GROUNDWATER

Diversion Pt: SWSW Sec 34 T 07N R 02W in GEM County.

Use: DOMESTIC	{	0.222 CFS)
FIRE PROTECTION	{	3.340 CFS
Total Diversion:	{	3.560 CFS)

Date Filed: 6/11/1999

In: GEM County
T07N R02W S34 SWSW.

Application 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 Resources, Western
Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00
on or before JULY 26, 1999. The protestant must also send a copy of the protest to
the applicant.

KARL J. DREHER, Director

Pub.: 7-7, 14, 1999

Legal Notice No. 3646
Published in the Messenger Index

MICROFILMED

SEP 30 1999

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

IN THE MATTER OF LAPSED PERMIT)
NO. 65-13886 IN THE NAME OF)
SCHOOL DISTRICT NO. 221)

REINSTATEMENT ORDER

_____)
This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On August 20, 1999, the Department issued Permit No. 65-13886 to School District No. 221 ("permit holder") authorizing the diversion of 3.56 cubic feet per second ("cfs") of ground water to be used for domestic and fire protection purposes within the SWSW, Section 34, T7N, R2W, Gem County, B M. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before September 1, 2000.

2. On June 30 2000, by certified mail, the Department notified the permit holder that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request.

3. On August 31, 2000, the Department's Regional Office received a copy of the Proof of Beneficial Use ("proof"), together with a Purchase Order for payment of the fee. The submittal was not considered complete since the permit holder did not submit the required fee with the extension request.

4. On September 18, 2000, the Department sent the permit holder a lapse notice, since the Department had not received an acceptable proof of beneficial use or extension of time.

5. On October 12, 2000, the Department accepted the proof of beneficial use filed by the permit holder, upon receipt of the filing fee.

MICROFILMED
MAR 3 5 2001

CONCLUSIONS OF LAW

1. The Department should consider that submittal of a purchase order for the fee to accompany a request for extension of time to be the equivalent of submitting the fee with the request for extension of time.

2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting an acceptable proof of beneficial use on August 31, 2000.

3. The Department should reinstate the permit, as provided in Section 42-218a(3), Idaho Code, with no advance in priority.

ORDER

IT IS THEREFORE HEREBY ORDERED, that Permit No. 65-13886 in the name of the School District No. 221 is **REINSTATED** with no advance in priority.

Dated this 22nd day of February, 2001.


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

Receipt By: SL Kw: kg
Date Received: 10-12-00STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
DEC 27 2000 \$175WATER RESOURCES
WESTERN REGION

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 65-13886 Telephone No. 365-63012. Name(s) of Permit Holder(s): School District No. 2213. Mailing Address: 601 E. 3rd Street, Emmett, ID 836174. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. 2 / yr. 00a. Well Driller: FINE WELL DOMESTIC
Riverside Inc. / STEVENS & SONS Drilling Permit Number: 65-99W-0118-001b. OPTIONAL:
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: School/Fire Protection6. Total rate of diversion and/or volume for which proof is submitted: 3.56 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes X or No _____Has the measuring device been installed? Yes X or No _____Flow Measurement Port: Is a flow measurement port required? Yes _____ or No XHas the measurement port been installed? Yes _____ or No X8. Fee Enclosed: \$ 175 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Mike Fisher Telephone Number: 365-2022Address: 722 Waldwell, Emmett, ID 83617

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder:

Kenneth L. Nohr Asst. Superintendent Date: 8/31/00
(include your title, if on behalf of company or organization)MICROFILMED
MAR 05 2001

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13886

Proposed Priority: June 11, 1999 Maximum Diversion Rate: 3.56 CFS

This is to certify, that SCHOOL DISTRICT NO 221
601 E 3RD ST
EMMETT ID 83617

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.22 CFS
FIRE PROTECTION	01/01 to 12/31	3.34 CFS
	Totals	3.56 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 34, Township 07N, Range 02W
GEM County

PLACE OF USE: DOMESTIC

TWN RGE SEC

07N 02W 34 SWSW

PLACE OF USE: FIRE PROTECTION, same as DOMESTIC use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 2000.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
5. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
7. Domestic use is for a middle school within the Emmett School District.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13886

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

20th day of August, 1999

Karl J. Dreher
for Karl J. Dreher, Director

JUN 11 1999

FORM 202

1/98

Department of Water Resources

Ident. No.

65-13886

RECEIVED

AUG 19 1999

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JUN 15 1999

WATER RESOURCES
WESTERN REGION

1. Name of Applicant EMMETT SCHOOL DISTRICT #221 Phone 208-365-6301
Post Office address 601 EAST 3RD STREET
2. Source of water supply GROUND WATER AQUIFER which is a tributary of N/A
3. Location of point of diversion is SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot N/A
Sec. 2334 Township 7.N Range 2.W B.M. GEM County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.222 cfs for SCHOOL WATER SERVICE purposes from JANUARY 1 to DECEMBER 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 3.39 cfs for SCHOOL FIRE FIGHTING purposes from AS NEEDED (both dates inclusive)
(cfs or acre-feet per annum)
Amount N/A for N/A purposes from N/A to N/A (both dates inclusive)
(cfs or acre-feet per annum)
Amount N/A for N/A purposes from N/A to N/A (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 3.56 cfs and/or (b) N/A
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. PUMP SIZE TO BE DETERMINED AFTER TESTING
- b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet; period of year when water will be diverted to storage: N/A to _____ inclusive.
- c. Proposed well diameter is 12 inches; proposed depth of well is 200-300 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? NO
- e. If well is already drilled, when? NO; Drilling firm SUBJECT TO BID PROCESS:
Well was drilled for (well owner) EMMETT SCHOOL DISTRICT #221
7. Time required for completion of works and application of water to proposed beneficial use is 6MO. 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 if KW. N/A
b. Stockwatering; list number and kind of livestock. N/A
c. Municipal; show name of municipality. N/A
d. Domestic; show number of households. N/A
e. Other; describe fully. PROVIDE SCHOOL W/ WATER SERVICE, INCLUDING FIRE FIGHT.

* per map. is 6/29/99
+ drilling permit

9. Description of place of use:

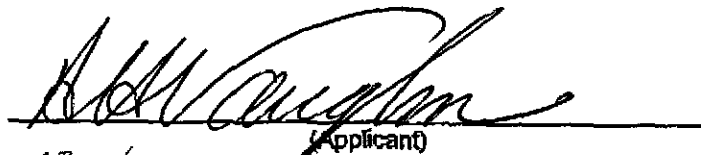
a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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	
7N	2W	33											D						
7N	2W	33											F						

Total number of acres to be irrigated N/A10. Describe any other water rights used for the same purposes as described above. N/A11. a. Who owns the property at the point of diversion? Emmett School Dist. # 221b. Who owns the land to be irrigated or place of use? N/Ac. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: N/A12. Remarks: Applicant agrees to mitigate consumptive use in the future as needed.13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

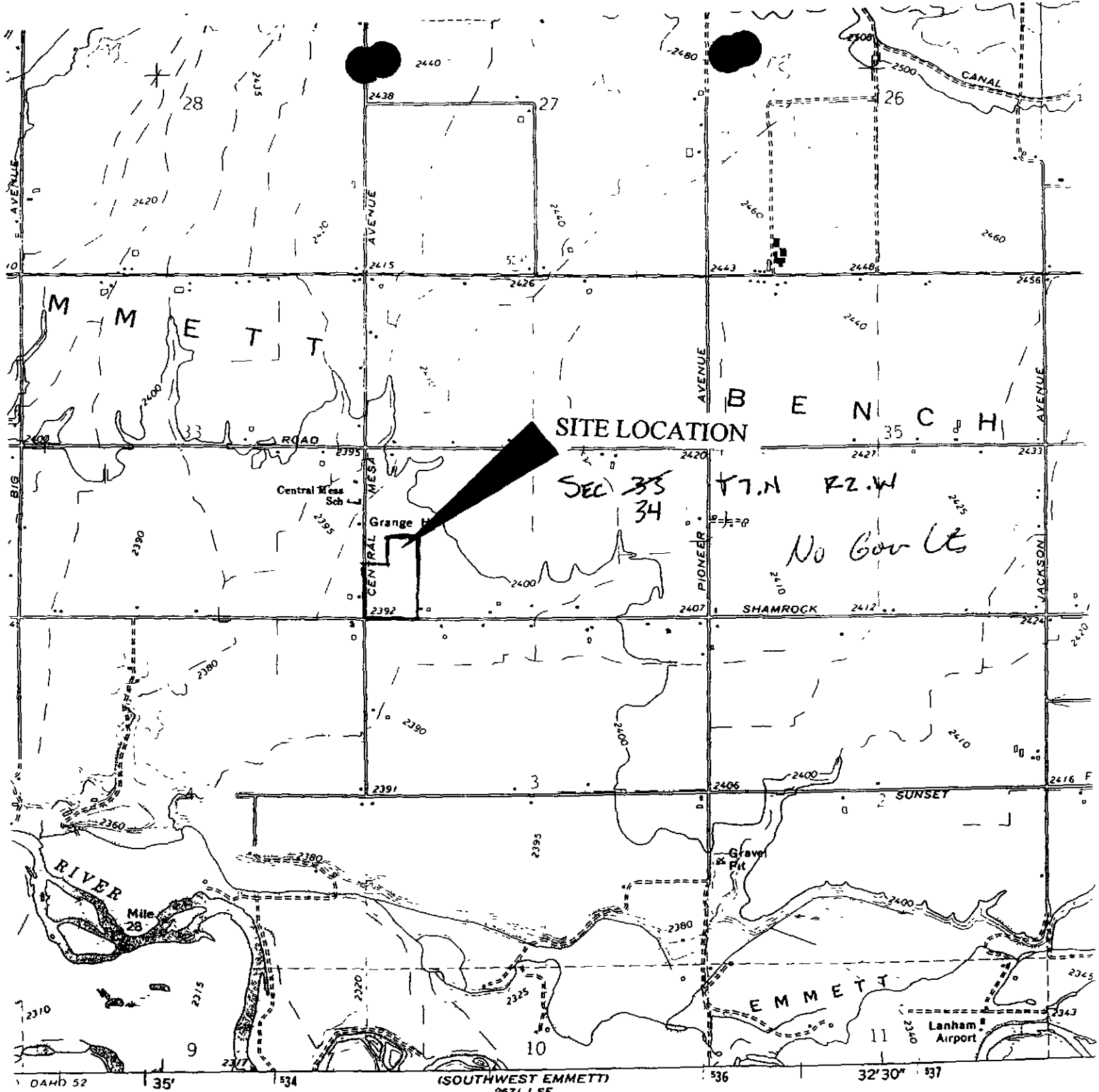
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.



AB VAUGHN

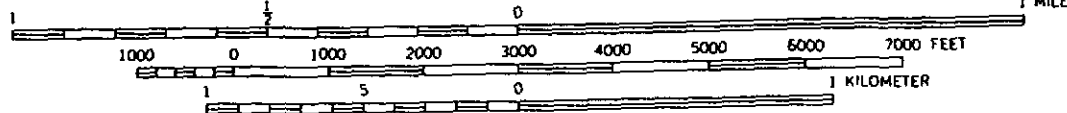
Superintendent, EMMETT SCHOOL DISTRICT

Received by CZ Date 6/11/99 Time Preliminary check by
 Fee \$ 160.00 Received by D. Ellis # 0045724 Date 6/11/99
 Publication prepared by Date 7-1-99 Published in
 Publication approved Date 8/11/99 2-7-14-99

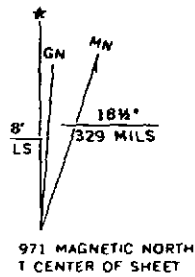


(SOUTHWEST EMMETT)
2671 1 SE

SCALE 1:24,000



CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT 5-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U S GEOLOGICAL SURVEY, DENVER COLORADO 80225 OR WASHINGTON, D C 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



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

February 22, 2001

SCHOOL DISTRICT NO. 221
601 E 3RD STREET
EMMETT ID 83617

PROOF ACKNOWLEDGMENT LETTER

Re: Permit No. 65-13886

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted on August 31, 2000, for the above referenced permit. The department issued a Lapse Notice in this matter on September 18, 2000, therefore, an order reinstating the permit must be issued. The enclosed Order reinstates the permit without affecting the priority date.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, you may contact the **Western** Regional Office of the department in Boise at (208)334-2190.

MICROFILMED

APR 13 2001

February 22, 2001
Page 2

If you have any questions regarding processing of the proof of beneficial use, please contact me at (208)327-7953.

Sincerely,



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region
Keller Associates, Inc.
131 SW 5th Ave., Suite A,
Meridian, ID 83642

MICROFILMED

MAR 05 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No : 65-13886

Reviewed By dgibson

Date: February 16, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No	65-99W-0118-00 1	
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No. :	W027060		Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		08/31/2000
Date proof due	-	09/01/2000
Lapse notice sent	-	
No of days late	=	0
Holiday allowance	+	
Priority date	+	06/11/1999
New priority date	=	06/11/1999

Deficiencies of Actions Items

Acknowledge proof and reinstate with no advancement of priority

RECEIVED

FEB 14 2001

Department of Water Resources

MEMORANDUM

TO: Glen Saxton
CC: Rob Whitney
FROM: Steve Lester 
DATE: February 12, 2001

RE : Permit No. 65-13886 for Emmett School District

This permit presents confusing history to upgrade a monitoring well to a second production well for a school. I tried to summarize the history without too much detail in my November letter to the consultant. The consultant replied by late December. The consultant submitted a request for reinstatement of the permit in addition to completed forms for beneficial use and for amending the water right. Fees were finally paid in full for proof, amendment and the drilling permit upgrade steps.

I think the confusion in this matter is somewhat due to "too many cooks," inside and outside of the department. Although no one intends for these things to happen, sometimes too many people inadvertently get involved and things bog down.

The consultant made most of the right steps but failed to follow through with everything in time. His December submittal was an attempt to correct the record and reinstate the water right.

The monitoring well drilling permit upgrade is pending at Western Region. Again, the consultant did not sufficiently address the overall situation. Rob Whitney is working on that. In any case, the school did not have everything it needed to allow us to recognize two production wells by the September 1, 2000 proof due date.

If permit 65-13886 is reinstated, drilling permit issues for the upgraded well can be addressed. Western Region can conduct a field exam, the water right license can be issued, and the school's amendment application can be replaced with a transfer application to add the second well to the water right. The school should file for a new water right if 65-13886 cannot be reinstated.

I included file history of the above items with this memo. The original amendment form dated December 27, 2000 is retained at Western Region but everything else is for the State Office file. A table of key dates and events is attached. Please let me know if you need anything else to evaluate this situation. Thank you for your help in this matter.

MICROFILMED

FEB 13 2001

Table 1. Key dates and events regarding Permit 65-13886.

Note:

- Some events are summarized for periods exceeding a single date.
- The December 27, 2000 application for amendment was not returned or processed because it appeared the loose ends would be tied up fairly soon. This proved to be incorrect, mostly due to workload resulting from conversion to the new computer system at IDWR.

DATE	EVENT
Aug. 31, 2000	Consultant's proof & amendment filings without original signatures or payment
Sept. – early Nov., 2000	Several telephone conversations between consultant & Western to clarify the situation and make corrections
Sept. 18, 2000	Lapse notice issued by S.O.
Oct. 6 – Nov. 21, 2000	Email exchanges between State Office & Western
Oct. 12, 2000	Consultant submitted payment for proof, amendment & drilling permit upgrade
Nov. 16, 2000	Copy of lapse notice faxed to Western, not found in regional file before then
Nov. 21, 2000	Both S.O. & Region made aware of Oct. 12 payment
Nov. 27, 2000	Region's letter to consultant with 30 day response period
Dec. 27, 2000	Consultant responded to Nov. 27 letter
Feb. 12, 2001	Confirmation that drilling permit upgrade pending at Western



Letter of Transmittal

Date: December 26, 2000

To: Steve Lester, ^{SL}Water Rights Supervisor
Western Region, Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

RECEIVED

DEC 27 2000

WATER RESOURCES
WESTERN REGION

Subject: Status of Permit No. 65-13886
West Side Elementary School Water Issues

Enclosed are the following items:

Date	Copies	No.	Description
8/31/00	1	1	Proof of Beneficial Form with Original Signature
8/31/00	1	1	Application for Amendment of a Permit with Original Signature
8/29/00	1	1	Electric Driven Fire Pump Startup and Field Test Data Report

Dear Mr. Lester,

I am responding to your November 27, 2000 letter, specifically the three bulleted items for permit reinstatement. I believe that with the original signatures on the reference forms and the following statements the requirements for reinstating the permit are complete and request the permit be reinstated.

Your letter asks for a statement why proof filing was not done in a timely way. My response is that I thought proof of filing was done in a timely way by submitting the Proof of Beneficial Use form on August 31, 2000. It was my understanding that after IDWR received the form IDWR would schedule a site visit to inspect and verify use. In response to your request for evidence of beneficial use I can attest to the fact that both the domestic and fire wells were operational and in use on August 29, 2000. I was personally onsite and witnessed the start up of both systems. Enclosed is the certification of the Electric Driven Fire Pump Startup and Field Test Data Report indicating flow and pressure test results. The domestic system is metered but the daily flow information is not available but will be recorded starting after the first of the new year. The domestic well has been providing water since the opening of the new school this year.

Please contact me at (208)-288-1992 if you have any questions or require any additional information.

MICROFILMED

These are transmitted:

- ☐ For your files ☐ For action specified above ☐ For review and comment ☐ For your use ☒ As requested

Sincerely,

KELLER ASSOCIATES, INC.



Donn Carnahan, Project Manager

Enclosure(s)

MICROFILMED

MAR 05 2001

131 SW 5TH AVENUE, SUITE A, MERIDIAN, IDAHO 83642 (208) 288-1992

If enclosures are not as noted, please notify us at once.

ELECTRIC DRIVEN FIRE PUMP STARTUP AND FIELD TEST DATA REPORT
NICKERSON CO. INC., 2143 W. INDIANA AVE., SALT LAKE CITY, UT 84104 (801) 973-8888

EQUIPMENT SYMBOL OR REFERENCE #: _____

DATE: 8/29/00 NICO REF. #: 00-415 TESTED BY: Russ Bartlett
 INSTALLING CONTRACTOR: Turnkey Const END USER: Emmett School

PUMP MANUFACTURER: Floway S/N: 41114-1-1 MODEL: 15DKH-FP
 SIZE: 8" DISCHARGE 8"
 RATINGS: GPM 2000 PSI 132 TD/HF _____ RPM 1770
 CERTIFIED FACTORY TEST CURVE # 41114-1-1-T1 TEST CURVE S.O.H. PSI: 160 HF 370'
 MOTOR MANUFACTURER: USEM S/N: H0250V2512 MODEL: R489A
 FULL LOAD RPM: 1780 VOLTAGE: 460 FULL LOAD AMPS: 291 HORSE POWER: 250
 CONTROLLER MANUFACTURER: Firetrol S/N: 92489-001-01-01 MODEL: FTA1900
 COMPLETE MODEL NUMBER: FTA1900-AD250B-DX-P

FLOW TEST CONDUCTED WITH: ③ 2 1/2" Nozzles MODEL # _____ PIPE SIZE _____
 STATIC SUCTION PRESSURE: Deep Well SUCTION SOURCE: Deep Well / 180' set
 STATIC VOLTS (AVERAGE): 478 OVERALL INSTALLATION: Excellent ALIGNMENT None
 BEARINGS: ok CCRV SET: None STUFFING BOXES ADJUSTED: Yes
Surface: (Bowl's)

CAPACITY POINT	GPM POINT	FLOWMETER GPM RDG	PITOT RDG	DISCH. PSI	Drawdown	NET PSI PSI/HF	RPM	AMPS	VOLTS (AVE.)
CHURN 1ST	-0-	X	0	132	115' / 50	182 / 420'	1791	214	466
2000 1ST	2000		② 35	105	118' / 50	155 / 358'	1790	240	466
3000 1ST	2000		③ 35	80	121' / 52	132 / 205'	1788	270	466
1ST									
1ST									
CHURN 2ND	-0-								

STARTS (A) MANUAL: 000000000000 (B) AUTOMATIC: 000000000000 STOP Auto/10 minutes.
 PRESSURE SETTINGS (A) JOCKEY PUMP: STOP 75 PSI (B) FIRE PUMP: STOP 55 PSI
 START 65 PSI START 45 PSI

MAIN RELIEF VALVE SETTING: 140 PSI JOCKEY PUMP RELIEF VALVE SETTING: _____ PSI

JOCKEY PUMP RUN PERIOD TIMER SETTING: _____ SECONDS

CONTROLLER ALARM CONTACTS CHECKED: Yes REMOTE ALARMS CHECKED: Not Connected.

Notes: A) Sensing line to Controller needs to be completed.
B) Wire solenoid switch needs to be wired, and oiler turned on.
C) Provide cap for oiler reservoir.
D) No remote alarms are connected.
E) Replace broken contactor in Controller.

PUMP MANUFACTURER'S REP. SIGNATURE _____

CONTROLLER MANUFACTURER'S REP. SIGNATURE: _____

MICROFILMED

SEP 10 2000

RECEIVED

DEC 27 2000

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESFee 50.00
Receipt 10027060
Received by SL Yon: KJ
Date 10/12/00

APPLICATION FOR AMENDMENT OF A PERMIT

Name of Applicant School District No. 221 Phone 365-6301Mailing address 601 East 3rd StreetI am the owner and the holder of Permit to Appropriate the Public Waters of the State of Idaho No. 65-13886, and request that the permit and permit map be amended and/or changed as follows.Purpose of Amendment: Change point of diversion X Add point of diversionChange place of use Change nature of use Change period of use Other1 Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 7N, Range 2W, B M,
County of Gem Other points of diversion _____

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

Amount 0.22 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) (water use) (Begin Month) (End month)Amount 3.34 for Fire Protection purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) (water use) (Begin Month) (End month)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) (water use) (Begin Month) (End month)

Place of use or land to be irrigated.

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>7N</u>	<u>2W</u>	<u>34</u>											<u>X</u>						

Total number of acres to be irrigated 5

- 4 a. Who owns the property at the point of diversion? Emmett School District
- b. Who owns the land to be irrigated at the place of use? Emmett School District
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

N/A

MICROFILMED

2001 11 5 2001

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show $\frac{1}{4}$ section, township, range and ditches. (the smallest subdivision represents 40 acres)

Scale: 2 inches equal 1 mile

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 31 day of August, 20 80

Ronald W. [Signature]

Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by _____ Publication prepared by _____ Date _____

Published in _____ Publication dates _____

I, _____, of the Department of Water Resources hereby

MICROFILMED

NOV 25 2001

Witness my hand this _____ day of _____, 20 _____

SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

RECEIVED

NOV 28 2000

Department of Water Resources

November 27, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SCHOOL DISTRICT #221
601 E 3RD ST
EMMETT ID 83617

Re: Status of Permit No. 65-13886

Dear Permit Holder:

I hope to clarify a confusing situation regarding the above referenced water right permit. The permit authorized the use of a well for domestic and fire protection uses at the Emmett Middle School. Since early 1999 the Idaho Department of Water Resources (IDWR) has worked with the school district and the district's consultant, Mr. Donn Carnahan of Keller Associates, to allow the addition of a second well to the water right. The second well was a monitoring well to be upgraded to a production well.

Development under the permit was to be completed by September 1, 2000, the date that proof of beneficial use was due. On August 31, 2000, IDWR received *copies* from Keller Associates of the proof of beneficial use plus an application to amend the permit to add a second well to the water right. The *original* forms for the proof of beneficial use and amendment steps were not received. Although a voucher was included with the August 31 submittal, payment did not occur at that time for filing proof of beneficial use, amending the water right and upgrading the monitoring well drilling permit to a production well drilling permit as proposed by the amendment.

IDWR sent an invoice to Keller Associates on September 22, 2000. The invoice requested payment of \$350 for the above mentioned three items. Payment occurred on October 12, 2000.

I did not realize in recent telephone conversations with Mr. Carnahan that IDWR sent a *lapse of water right notice* to the school district on September 18, 2000. The notice allowed 60 days to file proof of beneficial use or seek an extension of time to keep the water right permit valid. From my perspective, the school district signaled its intent to follow proper water right procedures by submitting copies of the proof and amendment forms along with a voucher for payment of fees.

MICROFILMED

NOV 28 2000

Permit 65-13886
November 27, 2000

The 60 day response period provided by the lapse notice has expired. Permit 65-13886 has lapsed. Permit reinstatement can be requested under Section 42-218a(2), *Idaho Code*, by submitting the following information:

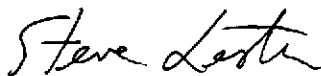
- Original forms for proof of beneficial use and application for amendment to replace the copies received by IDWR on August 31
- Evidence of beneficial use developed by September 1, 2000, as required by the permit
- Explanation of a reasonable cause for not completing the proof of beneficial use process in a timely manner.

No additional fees are needed to seek reinstatement. Evidence of use developed under the terms of the permit can include pump records or other significant data, or an affidavit from a person familiar with the water system if well use data does not exist. To show why the district failed to complete the proof filing process in a timely way, you may refer to this letter and add additional explanatory information as needed.

An alternative to requesting reinstatement of Permit 65-13886 is to seek a new water right by filing an application for permit. Both production wells could be listed in a new application. In this alternative, ask for funds paid for proof and amendment steps in 65-13886 to be applied to the new application for permit.

Successful completion of one of the two options will secure water right protection for the school and its wells. I enclosed paperwork for both options. Please complete one of the two options by submitting your reply to me within thirty (30) days of the date of this letter to avoid using water without a valid water right. Please let me know if I can be of assistance in this matter.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

Cc: Donn Carnahan, P. E.

MICROFILMED
MAY 9 2 2001

Receipt Details for ID W027060

*Rec'd
State Office
Nov 21, 2000*

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
10/12/00 11:41:42 AM	10/12/00	Western	\$350.00	Check
Payer		EMMETT SCHOOL DIST 221		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
3486			
Card Expiration Date	Credit Card Transaction #		

Comment AMEND DRILLING PERMIT

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$175.00	BENEFICIAL USE	62104	229	21	0	1155
\$125.00	UPGARDE TO PUBLIC WATER SUPPLY	62134	229	21	0	1205
\$50.00	AMEND DRILLING PERMIT	62105	229	21	0	1155

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

should = amendment of W.R. 65-13886

MICROFILMED

1991 11 29

0003486

P.O. #	ACCT	INVOICE #	DESCRIPTION	AMOUNT
004476	410-010510-100-000-0	65-13886	SHADOW BUTTE WELL	350.00

MICROFILMED

APR 2 - 1981

CK #:003486 DATE:10/09/00 VENDOR:075555 STATE OF IDAHO

350.00

ROSS, PLEASE SEE IF
CHECK WAS CASHED.

PURCHASE ORDER

Independent School District No. 221

SUPERINTENDENT OF SCHOOLS

601 E 3rd Street
Emmett, Idaho 83617
(208) 365-6301 Phone/Fax (208) 365-2961

PURCHASE ORDER NO.

00-4476

DATE August 31, 2000

VENDOR

• St. of Idaho Dept. of Water Resources
• 735 Airport way
• Boise, Idaho
X3705

BILL TO:

INDEPENDENT SCHOOL DISTRICT NO. 221
601 E. 3rd STREET
EMMETT, IDAHO 83617

SHIP TO:

REQ. NO.	FUND CODE	QUANTITY	DESCRIPTION	DEPT. CODE	UNIT PRICE	AMOUNT
	440-810350-100		Prod of Beneficial use D.P. upgrade permit to PWS W.R. modify drilling permit Add'l. (Shadow Butte Well)		175. ⁰⁰ 125. ⁰⁰ 50. ⁰⁰	175. ⁰⁰ 125. ⁰⁰ 50. ⁰⁰
PARTIAL SHIPMENTS ACCEPTED FOR 45 DAYS. CONSIDER ORDER CANCELLED THEREAFTER UNLESS EXTENSION APPROVAL OBTAINED				TOTAL		350. ⁰⁰

- DO NOT substitute without approval of the purchaser.
- On shipments other than F.O.B. Emmett, Idaho PREPAY charges and add to invoice. Please attach copy of paid express or freight bill to the invoice.
- Shipments not received by the date required may be cancelled by the purchaser without penalty.
- NO charges for packing or containers will be allowed unless specified in the order.
- The Vendor will hold the School District, its officers, agents and employees harmless from any liability of any nature or kind on account of use of any copyrighted, or un-copyrighted composition, literary process, patented or un-patented invention, article or appliance furnished or used under this order.
- This order is not subject to state sales tax (Idaho Regulation 52) or Federal excise tax. Exemption Certificate will be furnished on request.

BY

Ronald Nibe

AUTHORIZED SIGNATURE

MICROFILMED

SEP 26 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

September 27, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Bob Fontaine
Superintendent of Schools
Emmett School District
601 E 3rd St.
Emmett, ID 83617

Re: Permit No 65-13886, in the name of School District No. 221

Dear Mr. Fontaine:

As you requested during our telephone conversation today, I am enclosing copies of documents to assist you in the preparation of the Proof of Beneficial Use for the above-referenced water right. Also enclosed is a copy of my letter to Ross Woolley, dated September 20, 2000, sending him copies of the same documents. I suggest you contact Mr. Woolley to consolidate your efforts to avoid duplication.

Please contact me at (208)327-7953, if you need any assistance.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson".

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

MICROFILMED

SEP 29 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

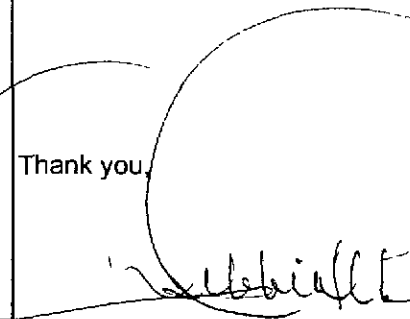
Phone: (208) 327-7900 FAX: (208) 327-7866

Sole - F.I.I

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

INVOICE

BILL TO	Keller Associates, Inc										
	131 SW 5th Avenue, Suite A										
	Meridian, ID 83642										
DATE:	9/22/00	RE: Attached Letter of Transmittal									
Per the above referenced document (copy attached) <table><tr><td>Proof of Beneficial use for 65-13886</td><td>175 00</td></tr><tr><td>Application for Amendment of a Permit</td><td>50 00</td></tr><tr><td>Drilling Permit</td><td>125.00</td></tr><tr><td>TOTAL</td><td>350.00</td></tr></table>				Proof of Beneficial use for 65-13886	175 00	Application for Amendment of a Permit	50 00	Drilling Permit	125.00	TOTAL	350.00
Proof of Beneficial use for 65-13886	175 00										
Application for Amendment of a Permit	50 00										
Drilling Permit	125.00										
TOTAL	350.00										
Please send payment to our Western Regional Office: Idaho Department of Water Resources Western Region 2735 Airport Way Boise, ID 83705-5082											
Thank you, 			TOTAL \$350.00								

Debbie Allen
Financial Manager

MICROFILMED

SEP 22 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 20, 2000

ROSS W WOOLLEY
601 E 3RD ST
EMMETT ID 83617

Re: Permit No. 65-13886 in the name of School District No. 221

Dear Mr. Woolley:

Enclosed is a copy of the Proof Due Notice dated June 30, 2000, which you requested during your conversation with Glen Saxton today. Also enclosed are the appropriate forms with instructions. In order to maintain your permit in good standing, you must either file a Request for Extension of Time for extending the time for development of this permit, or file a Proof of Beneficial Use confirming that the development has been completed with the appropriate filing fees.

If you have any additional questions, you may contact either Glen Saxton or myself at (208)327-7900.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocations

Encl

MICROFILM

SEP 21 1999

September 18, 2000

SCHOOL DISTRICT NO 221
601 E 3RD ST
EMMETT ID 83617

LAPSE NOTICE

RE: PERMIT NO. 65-13886

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated June 30, 2000. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 9/18/00
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

D. J.

MICROFILM



Letter of Transmittal

Date: August 31, 2000

To: Rob Whitney

Subject: West Side Elementary School Water Issues

Enclosed are the following items:

RECEIVED

AUG 31 2000

WATER RESOURCES
WESTERN REGION

Date	Copies	No.	Description
8/31/00	1		Proof of Beneficial use for 65-13886, w/ \$175 P.O.
8/31/00	1		Application for Amendment of a Permit to add PD w/ \$50 P.O.
8/31/00	1		Copy of Drilling permit w/ \$125 P.O. for upgrade from test well to Public Water Supply

Dear Rob,
Here are the applications and fees to finalize the school project.

Please contact me at (208)-288-1992 if you have any questions or require any additional information.

These are transmitted:

☐ For your files ☐ For action specified above ☐ For review and comment ☐ For your use ☒ As requested

Sincerely,

KELLER ASSOCIATES, INC.

Donn Carnahan
Donn Carnahan, Project Manager

Enclosure(s)

* w/ purchase order, not money -SZ

MICROFILMED

SEP 5 2000

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AUG 31 2000

WATER RESOURCES
WESTERN REGION

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 65-13886 Telephone No. 365-6301

2. Name(s) of Permit Holder(s): School District No. 221

3. Mailing Address: 601 E. 3rd Street, Emmett, ID 83617

4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. 2 / yr. 00

a. Well Driller: FINES WELL / DOMESTIC
Riverside Inc. / STEVENS & SONS Drilling Permit Number: 65-94W-0118-001

b. OPTIONAL:
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: School/Fire Protection

6. Total rate of diversion and/or volume for which proof is submitted: 3.56 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes X or No _____

Has the measuring device been installed? Yes X or No _____

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No X

Has the measurement port been installed? Yes _____ or No X

8. Fee Enclosed: \$ 175 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Mike Fisher Telephone Number: 365-2022

Address: 722 Waldwell, Emmett, ID 83617

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

nature of permit holder: Kenneth L. Fisher, District Superintendent Date: 8/1/00
(include your title, if on behalf of company or organization)

MICROFILMED

NO payment
NO original signature

-SL

AUG 9 5 1000

Form 211 11/99
RECEIVED**AUG 31 2000**WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESFee 50.00
Receipt _____
Received by _____
Date _____**APPLICATION FOR AMENDMENT OF A PERMIT**Name of Applicant School District No. 221 Phone 365-6301Mailing address 601 East 3rd Street Emmett ID 83617I am the owner and the holder of Permit to Appropriate the Public Waters of the State of Idaho No. 65-13886 and request that the permit and permit map be amended and/or changed as follows**Purpose of Amendment:** Change point of diversion X Add point of diversionChange place of use Change nature of use Change period of use Other1. Point of diversion: SW 1/4 SW 1/4 SW 1/4, Section 34, Township 7N, Range 2W, B M, County of Gem Other points of diversion _____

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

Amount 0.22 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) (water use) (Begin Month) (End month)Amount 3.34 for Fire Protection purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) (water use) (Begin Month) (End month)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) (water use) (Begin Month) (End month)

3. Place of use or land to be irrigated.

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	2W	34											X						

Total number of acres to be irrigated 54. a. Who owns the property at the point of diversion? Emmett School Districtb. Who owns the land to be irrigated at the place of use? Emmett School District

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

N/A

MICROFILMED

AUG 05 2000

• NO payment • NO original signature JP

Complete the following map by showing land and point of diversion as proposed by this amendment. Show ¼ ¼, section, township, range and ditches. (the smallest subdivision represents 40 acres)

34

Scale: 2 inches equal 1 mile

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk

Signed this

31

day of

August

20 6 2 4

Kenneth N. Miller

Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by _____ Publication prepared by _____ Date _____

Published in	Publication dates
--------------	-------------------

I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 20____

MICROFILMED

2003

SIGNATURE

June 30, 2000

SCHOOL DISTRICT NO 221
601 E 3RD ST
EMMETT ID 83617

PROOF DUE NOTICE

RE: PERMIT NO. 65-13886

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 1, 2000. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

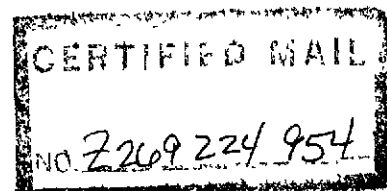
SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures

MICROFILMED

APR 3 2 1991





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 23, 1999

DIRK KEMPTHORNE
GOVERNOR

SCHOOL DISTRICT NO 221
601 E 3RD ST
EMMETT ID 83617

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13886

Dear Permit Holder:

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

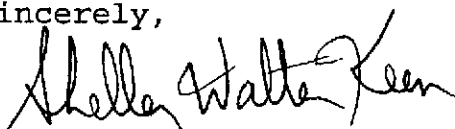
The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

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

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

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

NOV 11 1999
10 11 1999

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of August, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 65-13886

SCHOOL DISTRICT NO 221
601 E 3RD ST
EMMETT ID 83617


Kari Lynn Townsend
Secretary

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

4-21
APR 10 1997

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

FILED
APR 10 1997

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

No.: 65-13886 Name: SALMON DRY 221 Date: 8/18/99 Ad OK? / Gvmt Lts: by SCurtis

AREA OF CONCERN: - No/Yes: Mor / GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr within WD - P05 (new well location)

WMD (✓ MAP) - North / East / West

- > 0.24 cfs/5 acres - 067
- ≤ 0.24 cfs/5 acres - No MD

WMD

- Supp irr use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)
- Supp. irr + uses - 100-101
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED: - YES / NO; WHEN: RESPONSE:

IN/ABOVE MSF (✓ MAP) - *WB9

IN-STREAM DEVELOPMENT - P52 (stream channel alteration)

WD (✓ MAP & LISTING) - R04 (WD #)

- > 0.20 cfs - 01J-P08 (MD & LD)
- ≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water)

- Snake R (01) - *W22-P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087

USE:

- STORAGE (✓ 3 compo) - 18A (in & out MD for on-stream storage)-01H-P01 (LD)/01P, 18B-P09 (>10' dam), NA
- IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3 5/4 0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3 5/4 0/4.5 AF)
- STOCKWATER - R37 (BLM/USFS); NA
- MINING - 054(req) -081-P10
- FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-P10
- HEATING/COOLING - R07 (injection well)
- POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

MUNICIPAL

- In restricted area? - 022, 075, 004 (+memo?)
- Irr., GW supp to SW? - 102

DOMESTIC

- Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest area - 071-070

FIRE PROTECTION

- 077

LOCATION:

- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 120
- 42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin)
- SWAN FALLS FLAG (✓ Code) -

- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

Per Russ Erickson,
Not for irrigation.
S.W. Kee
8-20-99

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

INITIAL REVIEW BY: ly DATE: 6/28/99 APPLICATION: 65-13886

REQUIRED 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
- Gov't. Lots:
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

Y ADVERTISE REMARK(S)
(Reviewer identify which remarks)

to be T FLAG CHANGED TO P FLAG

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ Overlapping point of diversion.
- ☐ Critical groundwater area:
- ☐ Groundwater management area:
- ☒ 1992 moratorium:
- ☒ Surface water source, IDFG letter needed.
- ☒ Bull trout impact area, IDFG letter needed
- ☒ 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

Mitigation Agreement from Ross
Erickson - Project Engineer

Date Requested 6/28/99 Date Response Received _____

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

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

YES NO

☒ ☐ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ 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 7-26-99

☐ ☒ Protests received.

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☐ ☒ Water delivered by water master? District # _____

☒ ☐ Special conditions of approval or cover letter: 120, 046, 081

See below for additional information

Recommended Date or Priority 6/11/99Recommended by: Garys Date: 8/16/99ADDITIONAL INFORMATION:

overlaps : 65-04764 - GW down/stock

RECEIVED

JUL 14 1999

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
ss.
COUNTY OF GEM,

Mary K Black, being first
duly sworn, on her oath deposes and
says that she is the clerk of the Mes-
senger Index, a legal weekly news-
paper published at Emmett, in Gem
County, Idaho; that said newspaper
is in general circulation in said
county and has been published unin-
terruptedly and continuously for
more than 78 weeks prior to the
first publication of the annexed
document; and that the document
notice, process, or advertisement
hereunto annexed was published in
the regular edition of Messenger
Index for 7-7

consecutive weekly issues thereof,
beginning with the issue of
7-7, 1999,
and ending with the issue of
7-14, 1999

Mary K. Black
Subscribed and sworn to me this

12/11 day of
July, 1999

Mary K. Black
Notary Public
Residing at Emmett, Idaho

My Commission Expires
STATE OF IDAHO

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13886

EMMETT SCHOOL DISTRICT #221
601 E 3RD ST
EMMETT, ID 83617

Source GROUNDWATER

Diversion Pt: SWSW Sec 34 T 07N R 02W in GEM County

Use.	DOMESTIC	{	0 222 CFS)
	FIRE PROTECTION		3.340 CFS
	Total Diversion:		3.560 CFS)

Date Filed: 6/11/1999

In GEM County
T07N R02W S34 SWSW.

Application 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 Resources, Western
Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00
on or before JULY 26, 1999. The protestant must also send a copy of the protest to
the applicant

KARL J DREHER, Director

Pub - 7-7, 14, 1999

Legal Notice No. 3646
Published in the Messenger Index

NOTARY PUBLIC

SEP 30 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

July 1, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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

Re: Application for Permit No. 65-13886 in the Name of the Emmett School District \$221

Dear Sir:

Enclosed is a copy of the above-referenced application for permit which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee for each application must be received in this office by July 26, 1999.

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

Sincerely,

Gary Spackman

GS:st

Encl.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-99 BY 1043

REQUEST TO PROCESS

RECEIVED

JUL 01 1999

WATER RESOURCES
WESTERN REGION

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

Name of Applicant

EMMETT School District #221

Mailing Address

601 E. 3rd St.

EMMETT, ID 83617

Application No.
(if known)

N/A

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.

☒ 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

R. K. S. L.

Date

June 29, 1999

Please return this form to:

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

Post-It® Fax Note

7671

Date	6/28	# of pages	3
To	ROSS	From	LOWE
Co /Dept	Keller	Co	IDWR
Phone #		Phone #	334-2190
Fax #		Fax #	334-2348



Letter of Transmittal

Date: June 11, 1999

RECEIVED

To: Cindy Zimmerman, Idaho Department of Water Resources.

JUN 11 1999

Department of Water Resources

Subject: Application for Permit to Appropriate Public Waters.

Enclosed are the following items:

Date	Copies	Description
6/11/99	1	Application for Permit
6/11/99	1	Check for application fee

Cindy,

Please find the attached application for permit and check as indicated above. The proposed water right will provide daily water use as well as fire protection for a future middle school to be located in Emmett, Idaho. Currently, the Middle School project is in the plan finalization stage and will be scheduled for construction shortly thereafter. However, construction cannot begin until the school district acquires a water right and constructs the said well to provide fire protection during construction.

We at Keller Associates have developed a site evaluation for the proposed well site, and are awaiting the said water right permit for submittal to the DEQ for site review. As previously indicated we are on a very tight schedule for the future Middle School well construction, and would greatly appreciate your expeditious review and approval.

If you have any questions or require any additional information please call me at (208)-288-1992.

These are transmitted:

☐ For your files ☐ For action specified above ☐ For review and comment ☒ For your use ☐ As requested

With Regards,

KELLER ASSOCIATES, INC.

Ross K. Erickson, Project Engineer

Enclosure(s)

131 SW 5TH AVENUE, SUITE A, MERIDIAN, IDAHO 83642 (208) 288-1992

If enclosures are not as noted, please notify us at once



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JUNE 30, 1999

Legal Notices Department
Messenger-Index
P.O. Box 577
Emmett, ID 83617

Dear Legal Dept.:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 26, 1999.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

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FIRE PROTECTION	(	3.340 CFS)
Total Diversion:	(	3.560 CFS)

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KARL J. DREHER, Director

Published: 7/ 7/1999 & 7/14/1999