

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

ss.

Notice of Application for Water Right
TITLE OF PUBLICATION

SPONSOR OF PLAINTIFF
Dept of Water Resources
PLAINTIFF OR LEGAL AGENT
I, Viola M Hawkins, being
duly sworn, deposes and says:

That *she* is the *principal clerk* of
THE INDEPENDENT-ENTERPRISE, a weekly newspaper published
at Payette, in the County of Payette and State of Idaho; that said
paper has been and is in general circulation in the county
aforesaid, and in the vicinity of Payette; that the advertisement,
a copy of which is attached hereto, was published in said
newspaper once a week for *two* consecutive weeks in
the regular and entire issue of said paper during the period and
time of publication, and was published in the newspaper proper
and not a supplement; that said paper has been established and
regularly published for more than seventy-eight consecutive
weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with
March 3, 19*99*, and ending with the issue
of *March 10*, 19*99*.

STATE OF IDAHO
COUNTY OF

On this *11th* day of *March* in the year of *1999*, before me,
a Notary Public, personally appeared *Viola Hawkins*,
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 he executed the same.

Marilyn J. Hughes
Notary Public for Idaho
Residing at *Sublet*
My commission expires *12-1-04*

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines *28*
Number of Insertions *(2) two*
28 Lines @ *1.11*... \$ *31.08*
28 Lines @ *.92*... \$ *25.76*
TOTAL COST
WILL BE \$ *56.84*

Copy of Notice
(First Copy)

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to ap-
propriate the public waters of the state of Idaho:
65-13827 *✓st*

CITY OF FRUITLAND
PO BOX 324
FRUITLAND, ID 83619
Source: GROUNDWATER
Diversion Pt: NWNE Sec 27 T 08N R 05W in PAY-
ETTE County.
Use: MUNICIPAL (0.800 CFS)
Total Diversion (0.800 CFS)

Date Filed: 12/23/1998

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

Municipal use is for applicant's service area.
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 Re-
gion, 2735 Airport Way, Boise, Idaho 83705 to-
gether with a protest fee of \$25.00 on or before
MARCH 22, 1999. The protestant must also send
a copy of the protest to the applicant.

KARL J. DREHER, Director
March 3, 10

No. 219

RECEIVED

MAR 12 1999

WATER RESOURCES
WESTERN REGION

MICROFILMED

AUG 10 1999

No. 219

STATE OF IDAHO
RECEIVED DEPARTMENT OF WATER RESOURCES

MAY 11 2001

PROOF OF BENEFICIAL USE

Department of Water Resources

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.

1 Permit No 65-13827 Telephone No (208) 452-4421

2. Name of Permit Holder(s): City of Fruitland

3. Mailing Address. P.O. Box 324

City Fruitland, State ID Zip 83619

4. Source of Water Groundwater If **GROUNDWATER** (well), Date Drilled: mo. 8 / yr. 1999

Well Driller: Stevens & Sons (Ron Stevens) Drilling Permit Number: 65-99-W-0237-000

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 Municipal

6. Total rate of diversion and/or volume for which proof is submitted: 0.80 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 _____

8. Fee Enclosed: \$ 100 (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: Jerry Campbell Telephone Number (208) 452-4421

Address: P.O. Box 324 Fruitland, ID 83619

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

Signature of permit holder

Michael E. Holladay, City Eng
(include your title, if on behalf of company or organization)

Date

5/3/01

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MAY 09 2001

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13827

Proposed Priority: December 23, 1998 Maximum Diversion Rate: 0.80 CFS

This is to certify, that CITY OF FRUITLAND

PO BOX 324

FRUITLAND ID 83619-0324

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>
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MUNICIPAL	01/01 to 12/31	0.80 CFS
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LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 27, Township 08N, Range 05W
PAYETTE County

PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 2001.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

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AUG 17 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

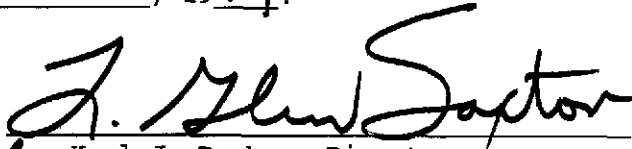
NO. 65-13827

CONDITIONS OF APPROVAL AND REMARKS

7. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
8. The issuance of this right does not grant any right-of-way or easement across the land of another.
9. Place of use is located within city of Fruitland and surrounding service area.

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

14th day of July, 1999.


for Karl J. Dreher, Director

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AUG 10 1999

RECEIVED

DEC 23 1998

WA. RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

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JUN 15 1999

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant City of Fruitland Phone (208) 452-4421
Post Office address P.O. Box 324 Fruitland, ID 83619
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is NE 1/4 of NW 1/4 of NE 1/4, Govt. Lot _____
Sec. 27 Township 8N Range 5W B.M. Payette County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.8 cfs for Municipal purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.8 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. _____
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is 10 inches; proposed depth of well is 75 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 *Test well drilled by Stevens & Sons
Well was drilled for (well owner) City of Fruitland
7. Time required for completion of works and application of water to proposed beneficial use is 2 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: _____
 - b. Stockwatering; list number and kind of livestock: _____
 - c. Municipal; show name of municipality. City of Fruitland
 - d. Domestic; show number of households: _____
 - e. Other; describe fully. _____

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AUG 10 1999

* THERE IS A QUESTION ON LOCATION OF WELL TO THE NEAREST 10 ACRE TRACT. FOR SINCE LOCATION OF THE POINT OF DIVERSION ONLY NEEDS TO BE LOCATED TO NEAREST 40 ACRE TRACT FOR GROUNDWATER, I ELIMINATED THE 10 ACRE DESIGNATION.
DAN 1-26-99

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	
																			M

Total number of acres to be irrigated _____

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

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

b. Who owns the land to be irrigated or place of use? Municipal Water Supply

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

12. Remarks: Municipal Use - City of Fruitland

MUNICIPAL USE IS FOR THE CITY OF FRUITLAND'S
SERVICE AREA. APPLICANT AGREES TO MITIGATE CONSUMPTIVE
USE IN THE FUTURE AS NEEDED. DAN 2-19-99

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.

Michael E. Holladay City Engineer
 (Applicant)

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AUG 10 1999

Received by lg Date 12-23-98 Time _____ Preliminary check by DAN
 Fee \$ 100.00 Receipted by lg # W024343 Date 12/23/98
 Publication prepared by lg Date 2-24-99 Published in 09/03/98*
 Publication approved lg Date 4-15-99 Ind. Enterprise 3-3+10-99

* Fee was originally paid for a transfer. However, transfer was not needed and application was filed. Priority date should be date application for permit was filed (12-23-98)
DAN 2-22-99

Ident. No. 65-13827

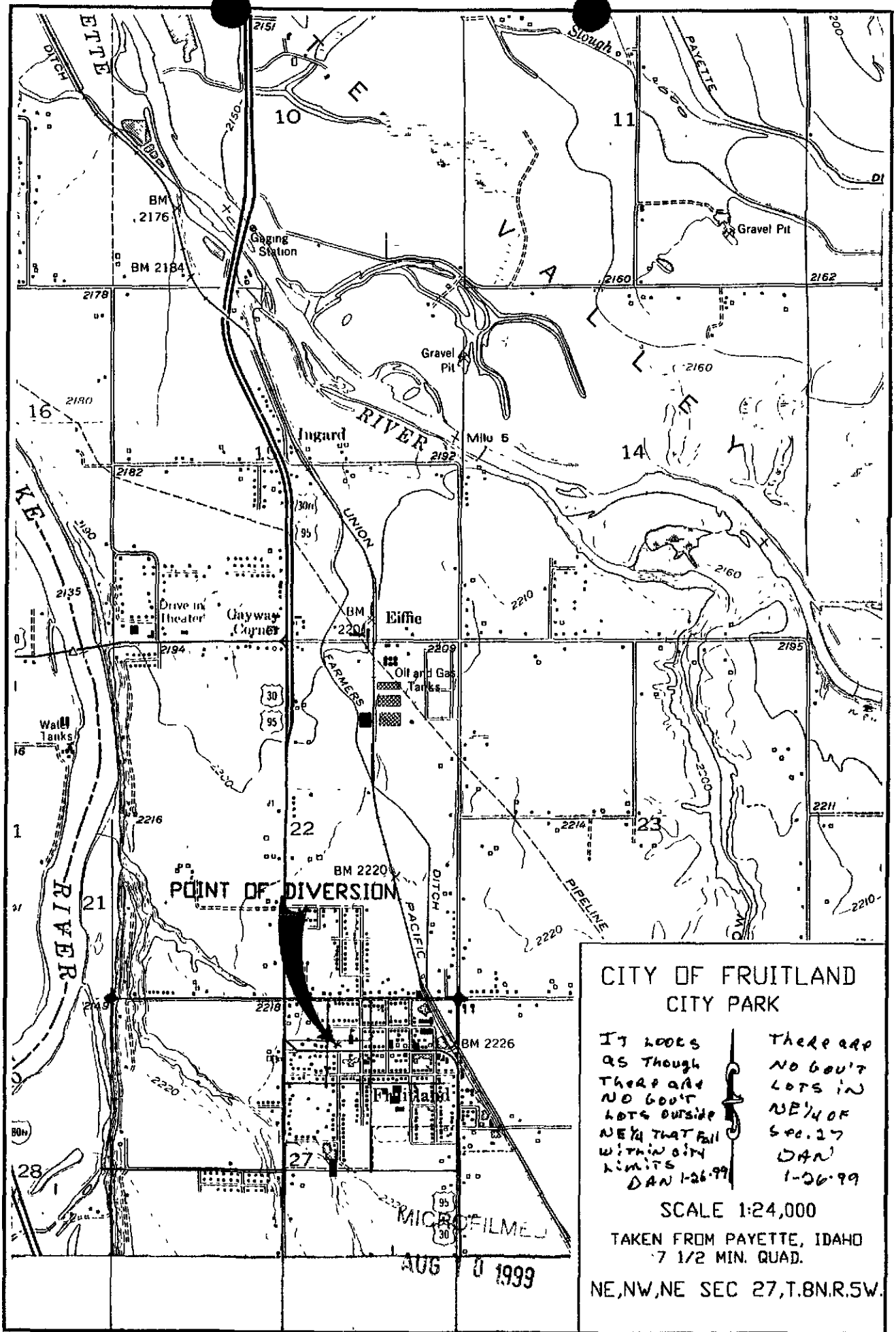
Comments: Date: 2/19/1999 User-ID: DNELSON

Subject: ADDITIONAL INFORMATION

IDWR review shows overlapping water rights for both the point of diversion and place of use. None of these should be significant except for the 16 water rights currently held by the City of Fruitland.

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AUG 10 1999



CITY OF FRUITLAND CITY PARK

IT LOOKS
AS THOUGH
THERE ARE
NO GOVT
LOTS OUTSIDE
NE 1/4 THAT FALL
WITHIN CITY
LIMITS
DAN 1-26-99

THERE ARE
NO GOVT
LOTS IN
NE 1/4 OF
SEC. 27
DAN
1-26-99

SCALE 1:24,000

TAKEN FROM PAYETTE, IDAHO
7 1/2 MIN. QUAD.

NE, NW, NE SEC 27, T. 8N. R. 5W.



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

May 14, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CITY OF FRUITLAND
PO BOX 324
FRUITLAND ID 83619

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13827

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

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.

If you have questions concerning the field examination, please contact the **Western** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

MAY 23 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 65-13827

Reviewed By. dgibson

Date: May 14, 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.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No .		C053688	Well driller's report filed?	X	
Additional Amount Due:			Measuring device required?	X	
Name and address same as permit?	X		Measuring device installed?	X	
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	05/11/2001
Date proof due	- 07/01/2001
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 12/23/1998
New priority date	= 12/23/1998

Deficiencies of Actions Items

Acknowledge proof

MICROFILMED

MAY 03 2001

April 30, 2001

CITY OF FRUITLAND
PO BOX 324
FRUITLAND, ID 836190324

PROOF DUE NOTICE

RE: PERMIT NO. 65-13827

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 July 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed 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.

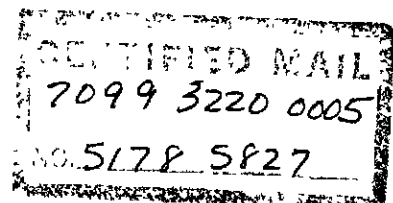
Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

MAY 09 2001



IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

D0012088

1. DRILLING PERMIT NO. 65-99-W-0237-000

Other IDWR No 65-13827

2. OWNER:

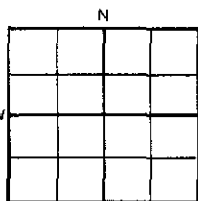
Name City of Fruitland

Address 200 Whitley PO Box 325

City Fruitland State ID Zip 83619

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location



Twp 8 North ☒ or South ☐
Rge 5 East ☐ or West ☒
Sec 27 1/4 N/W 1/4 N/E 1/4
Gov't Lot County Payette
Lat Long

Address of Well Site Carefix Park #19
City Fruitland

(Give at least name of road + Distance to Road or Landmark)

Lt Blk Sub Name

4. USE:

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

5. TYPE OF WORK check all that apply (Replacement etc)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other

6. DRILL METHOD

☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES

SEAL FILTER PACK			AMOUNT		METHOD
Material	From	To	Sacks or Pounds		
#6-9 sand	40	88	18 sk		poured
bentonite grout	8	40	800#		pumped
bentonite chips	0	8	350#		poured

Was drive shoe used? ☐ Y ☐ N Shoe Depth(s)

Was drive shoe seal tested? ☐ Y ☐ N How?

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
10"	+2	47	.365	steel	☒	☐	☐	☐
10"	67'6"	88'8"	.365	steel	☒	☐	☐	☐

Length of Headpipe Length of Tailpipe

9. PERFORATIONS/SCREENS

☐ Perforations Method

☒ Screens Screen Type Johnson 304 stnls

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
47	67'6"	.40		10"	stnls	☒	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

28'6" ft below ground Artesian pressure MICROFILMED

Depth flow encountered ft Describe access port or control devices MAY 03 2001

11. WELL TESTS:

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Pumping Level	Time
473	14	42'6"	7hr 45 min

Water Temp Bottom hole temp

Water Quality test or comments

Depth first Water Encountered

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
14	0	1	topsoil		X
	1	16	brown clay		X
	16	29	cemented sand		X
	29	38	sandy brown clay		X
	38	47	cemented sand & gravel	X	
	47	68	sand & gravel	X	
	68	70	brown clay		X
	70	88	sandy clay		X

RECEIVED

SEP 01 1999

WATER RESOURCES
WESTERN REGION

RECEIVED

SEP 08 1999

Department of Water Resources

Completed Depth 88'8" (Measurable)
Date Started 8/16/99 Completed 8/23/99

13. DRILLER'S CERTIFICATION

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

Firm Name Stevens & Sons Firm No 153

Firm Official Ron Stevens Date 8/25/99

and Supervisor or Operator [Signature] Date



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

July 15, 1999

CITY OF FRUITLAND
PO BOX 324
FRUITLAND ID 83619-0324

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13827

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.

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 right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure

PROFILED
JUL 18 1999

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,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

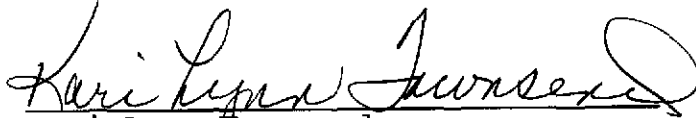
MICROFILMED
AUG 10 1999

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of July, 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. 65-13827

CITY OF FRUITLAND
PO BOX 324
FRUITLAND ID 83619-0324


Kari Lynn Townsend
Secretary

MICROFILMED
AUG 10 1999

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

MICROFILMED
AUG 10 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Fruitland Water Rights

WR #	Priority Date	Well(s)	Permitted Diversion Rate cfs	Permitted Annual Div. Vol AFA	Diversion Rate gpm	Daily Div Rate gpd	Current Pump Rate
65-02783	07/02/64	1, 6, and 12		3.00	2	2676	623
65-07049	09/15/68	4 and 5	0.670		301	433002	200
65-07611	04/23/76	11	0.530		238	342524	134
65-12099	02/23/78	9	0.400		180	258509	108
65-12370	10/30/80	10	0.380		171	245583	137
65-12710	04/13/84	14 **	0.350		157	226195	120
65-12766	04/28/86	15	0.280		126	180956	133
65-13351	11/22/91	Pay. River WWTF	0.040	0.60	18	535	
65-13352	11/22/91	Snake Riv WWTF	0.020	0.60	9	535	
65-13448	04/26/93	16	0.170		76	109866	42
65-13827	12/23/98	19	0.800		359	517018	
Total Current Maximum Rates*			2.780		1250	1799312	1497

Well	Pump Rate
1	122
6	350
12	151

* Does not include WWTF's and Well 19

** Well # 14 only pumped during summer months

Post-it* Fax Note	7671	Date	7/14/99	# of pages	1
To	SHELLY KEENEY	From	JACK BIRDWELL		
Co./Dept	IDWR	Co	HECO		
Phone #	327-7946	Phone #	642-3304		
Fax #	327-7866	Fax #	642-2159		

MICROFILMED
AUG 10 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 25, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MIKE HOLLADAY
PO BOX 235
PAYETTE ID 83661

RE: City of Fruitland Water Rights

Dear Mike:

As we discussed yesterday, the City of Fruitland has a fairly large number of water rights, and we want to be sure that the new application, no. 65-13827, represents intended beneficial use of water and not just a replacement well for diversions covered under existing water rights. As you requested, I am enclosing printouts of the City of Fruitland's water rights for you to review. I am also enclosing a copy of a letter in which our director addresses a similar situation faced by United Water Idaho.

I will hold the new application for two weeks to give you some time to comment. If you have any questions, please contact me at 208-327-7946.

Respectfully,

A handwritten signature in cursive script that reads "Shelley Walter Keen".

Shelley Walter Keen
Water Rights Supervisor

Enclosures

MICROFILMED

AUG 10 1999

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by

Cindy

No.: 65-13827 Name: City of Fruitland Date: 6/23/99 Ad OK? ☒ ☒ Gvmt Lts: ☒

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

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

SYSTEM COMPLETED:

- > 1 year ☒ P17
- ≤ 1 year/no proof ☐ P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) ☒ P23
- In Basin 34? ☐ 085
- Irr within WD ☐ P05 (new well location)
- WMD (✓ MAP) ☐ North / East / West
- > 0 24 cfs/5 acres ☐ 067 or No MD (in-stream stock or power)
- ≤ 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), 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

42-248 AREA ☒ P84 in 20/30/40/50/60/70/80 (87) basin

SWAN FALLS FLAG (✓ Code) ☐ _____

Trust

Non-Trust (1)

☐ 051-052-053-P74 (Consumptive Uses), NA

☐ 048-049 (Consumptive Uses), NA

OWNERSHIP:

☐ 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

☒ 01W60

BENEFICIAL USE DUE:

☐ 7 1/1 2001

COMMENTS:

JUN 15 1999
IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET
Department of Water Resources

INITIAL REVIEW BY: DAN DATE: 1-26-99 APPLICATION: 65-13827

RECEIVED

REQUIRED INFORMATION

JUN 15 1999

- ☒ 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:
NO P/D
NO P/U

ADDITIONAL INFORMATION

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

☒ 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

Need Request To Process Form

Date Requested 1-26-99 Date Response Received 2-18-1999

PROCESSING

APP. NO. 65-13827

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 3-22-99

☐ ☒ Protests received.

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☐ ☒ Water delivered by water master? District # _____

☒ ☐ Special conditions of approval or cover letter: 004, 046, 12D

and standard conditions

☒ ☐ See below for additional information

Recommended Date or Priority 12-23-99 12-23-1998

Recommended by: Daniel A. Nelson Date: 6-14-99

ADDITIONAL INFORMATION:

There are overlapping water rights for
both the point of diversion and place of use
for this application. However, none of these
seem significant except for the water
rights listing the city of Fruitland as
the owner. There are approximately
16 water rights listed under the city of Fruitland's
name.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

ss.

Notice of Application for Water Right
TITLE OF PUBLICATION

Dept of Water Resources
SPONSOR OF THE ADVERTISEMENT
PLAINTIFF OR LEGAL AGENT

J. Viola M Hawkins, being

duly sworn, deposes and says:

That *She* is the *principal clerk* of

THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at Payette, in the County of Payette and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with *March 3*, 19*99*, and ending with the issue of *March 10*, 19*99*.

STATE OF IDAHO
COUNTY OF

On this *11th* day of *March* in the year of *1999*, before me, a Notary Public, personally appeared *Viola Hawkins*, 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 he executed the same.

Mark J. Hinkley
Notary Public for Idaho

Residing at

My commission expires *1-04*

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines *28*

Number of Insertions *(2) two*

28 Lines @ *1.11* *31.08*

28 Lines @ *.92* *25.76*

TOTAL COST
WILL BE *56.84*

Copy of Notice
(First Copy)

110617 2
CITY OF FRUITLAND
PO BOX 324
FRUITLAND, ID 83
Source: GROUNDWATER
Diversion Pt: NW 1/4
ETTE County
Use: MUNICIPAL
Total Diversion
Date Filed: 12/23/98
Applicant agrees
in the future as needed
Municipal use is for
Permits will be
Protests may be submitted
Sep. 42-203A, Idaho
approval of this application
Director, Dept. of
gion, 2735 Airpark
gether with a protest
MARCH 22, 1999
a copy of the protest
No. 219

RECEIVED

MAR 12 1999

WATER RESOURCES
WESTERN REGION

MICROFILMED

AUG 10 1999

No. 219

RECEIVED

FEB 18 1999

WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS

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

Name of Applicant CITY OF FRUITLAND
Mailing Address P.O. Box 324
FRUITLAND, IDAHO 83619
Application No. UNKNOWN
(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.

* 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

Michael E. Holladay

Date

February 10, 1999

Please return this form to:

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

MICROFILMED

AUG 10 1999

ATTN: DAN NELSON

MEMORANDUM

TO: Debbie Allen
FROM: Lori Graves, Western Region
RE: Fee Shuffle, Receipt no. W024343 for City of Fruitland

A water right transfer application was received from City of Fruitland 09/03/98. The \$100 fee was paid on receipt W024343. It was determined in the reveiw process that the transfer application was not necessary. City of Fruitland filed an application for permit 12/23/98 that requires \$100 for .8 cfs. Please appropriate the \$100 from fund 62105 to fund 62103. Date received would be 12/23/1998. Thanks.

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AUG 10 1999



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

FEBRUARY 24, 1999

Legal Notices Department
Independent Enterprise
P.O. Box 520
Payette, ID 83661

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 MARCH 22, 1999.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICROFILMED

AUG 10 1999

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

AUG 10 1999

65-13827

CITY OF FRUITLAND
PO BOX 324
FRUITLAND, ID 83619

Source: GROUNDWATER

Diversion Pt: NWNE Sec 27 T 08N R 05W in PAYETTE County.

Use: MUNICIPAL	(	0.800 CFS)
Total Diversion:	(	0.800 CFS)

Date Filed: 12/23/1998

00

Applicant agrees to mitigate consumptive use in the future as
needed
Municipal use is for applicant's service area

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AUG 10 1999

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 MARCH 22, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 3/ 3/1999 & 3/10/1999

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AUG 10 1999