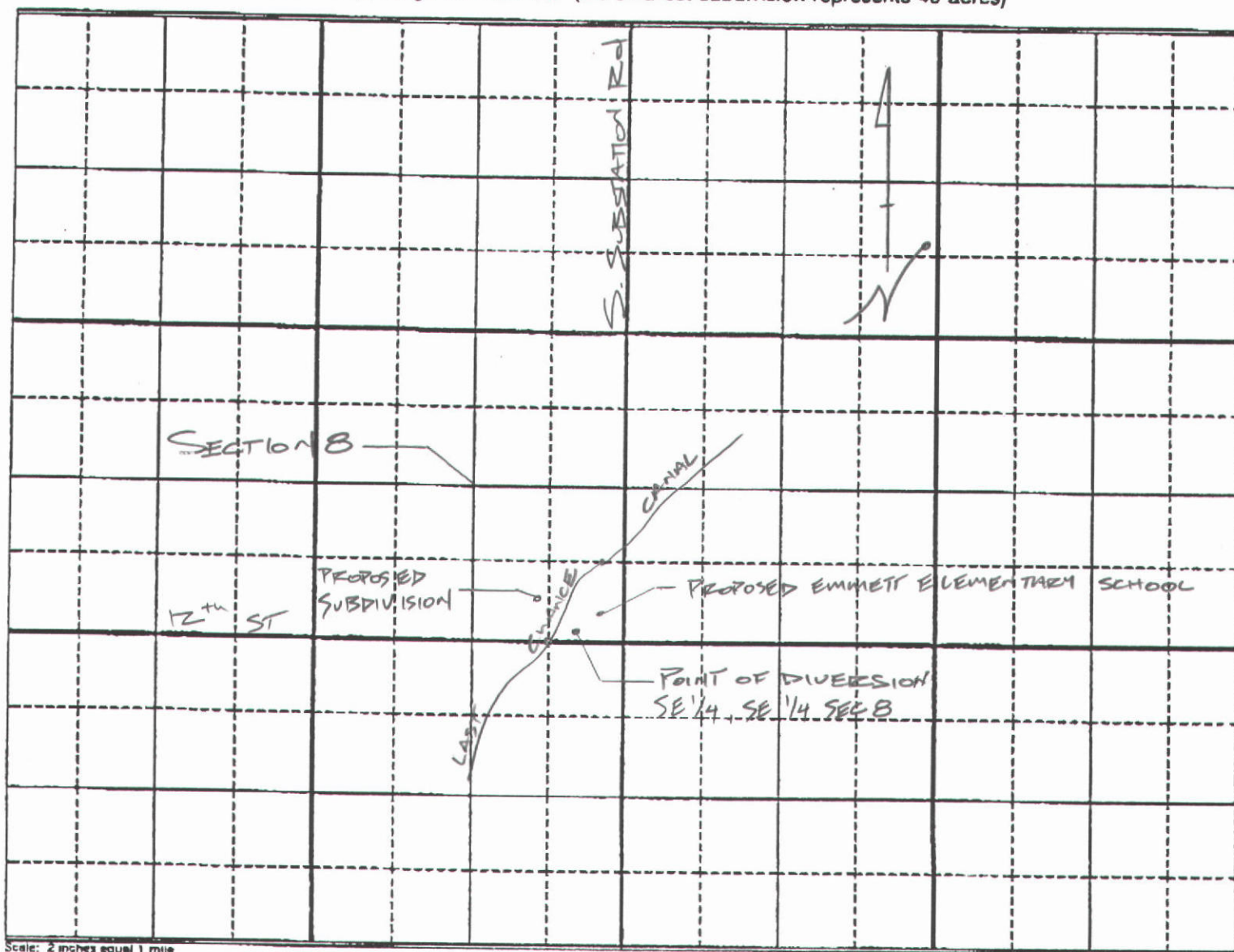


Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)



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 4 day of Mar., 19 99.

Laurel Rosenholm
Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by RL 3/10/99 Publication prepared by alt Date 3-10-99
Published in Independent Enterprise Publication dates 3-17+24-99

I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19 JUN 09 1999

SIGNATURE



	BOUNDARY LINE
	RIGHT-OF-WAY CENTER LINE
	CENTER LINE
	LOT LINE
	PROPOSED CURB, GUTTER & SIDEWALK
	EXISTING FENCE
	DITCH CENTER LINE
	PUBLIC WATER SYSTEM
	PUBLIC SEWER LINE AND MANHOLE
	PHASE LINE
	PHASE NUMBER



A schematic diagram showing a cross-section of a road and station area. A hatched rectangular area on the left represents the 'STATION'. To its right is a 'ROAD'. Further right is a 'PROJECT SITE', indicated by a dashed rectangular outline. A curved arrow points from the text 'PROJECT SITE' to the dashed outline. The labels 'STATION' and 'ROAD' are written vertically within their respective areas.

1. ALL LOTS ARE DESIGNATED FOR SINGLE FAMILY DWELLINGS, EXCEPT FOR LOT 3, BLOCK 1, LOTS 5, & 15, OF BLOCK 2, LOT 1, BLOCK 6.
2. LOTS 3, BLOCK 1, LOTS 9 & 15, BLOCK 2, LOT 1, BLOCK 6, SHALL BE SUBDIVIDED, AS SHOWN, AND WILL BE OWNED & MAINTAINED BY THE HOME OWNER'S ASSOCIATION.
3. ALL STREETS WILL BE DEDICATED TO THE PUBLIC AND WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF EMMETT STANDARDS OR AS SHOWN HEREON.
4. CITY OF EMMETT SEWER AND WATER SYSTEM WILL SERVE THIS SUBDIVISION.
5. STORMWATER RUNOFF WILL BE COLLECTED AND/OR DETAINED ON SITE, AND DISCHARGED INTO EXISTING DRAINAGE WAYS WITHIN OR ADJACENT TO THIS SUBDIVISION SUBJECT TO SOUTHWEST DISTRICT HEALTH STANDARDS.
6. ALL LOT LINES COMMON TO A PUBLIC RIGHT-OF-WAY LINE HAVE A TEN (10) FOOT WIDE PERMANENT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT.
7. EACH SIDE OF COMMON LOT LINES HAVE A FIVE (5) FOOT PERMANENT PUBLIC UTILITIES, IRRIGATION, AND DRAINAGE EASEMENT, EXCEPT AS OTHERWISE SHOWN.
8. MINIMUM BUILDING SETBACK LINE SHALL BE IN ACCORDANCE WITH THE ZONING ORDINANCE AT THE TIME OF ISSUANCE OF THE BUILDING PERMIT.
9. THE PUBLIC WATER SYSTEM WELL SHALL HAVE A 100' RADIUS AREA IN WHICH THERE SHALL BE NO DRAINAGE OR IRRIGATION SYSTEMS.
10. STREETLIGHTS AND FIRE HYDRANTS SHALL BE CONSTRUCTED TO CITY OF EXIT STANDARDS.

SITE INFORMATION

R-1 ZONE
83 TOTAL LOTS
79 BUILDABLE LOTS
4 NON BUILDABLE LOTS
2.82 LOTS/AC.
28.0+ AC. TOTAL

APPLICANT
LOWELL ROSANBALM
P.O. BOX 190275
BOISE, IDAHO 83719
(208) 986-4490

THESE DRAWINGS, OR ANY PORTION THEREOF, SHALL NOT BE USED ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH HUBBLE ENGINEERING, INC.

6				DESIGNED BY:		DATE:
5				DRAWN BY:		DATE:
4				CHECKED BY:		DATE:
3				APPROVED:		DATE:
2				CGO FILE:		DATE:
1				REV. CGO FILE:		DATE:
NO		BY	DATE	G:\MUNIT\TG\MPARK\MS\TREF DWG_B-11-9B 9:01:16 am ES		

 **HUBBLE
ENGINEERING, INC.**
ENGINEERING—SURVEYING—PLANNING

9550 BETHEL COURT
BOISE, IDAHO 83709
(208) 372-8992

GEM PARK ESTATES WEST
A LOWELL ROSANBALM DEVELOPMENT

Preliminary Plat	JOB NO. 98-197-00
N 1/4, SW 1/4, S. 8 N., R.1W., GEM COUNTY	SHEET NO. ONE

[illegible]

MICROFILMED
JUN 09 1999

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
March 17, 1999,
and ending with the issue of
March 24, 1999
Mary K. Black

Subscribed and sworn to me this
24th day of
March, 1999

Mariann Cheney
Notary Public
Residing at Emmett, Idaho

My Commission Expires 2-4-2005



RECEIVED

MAR 25 1999

WATER RESOURCES
WESTERN REGION

NOTICE OF APPLICATION FOR AMENDMENT OF WATER RIGHT

Notice is given that **CITY OF EMMETT &/OR LOWELL ROSANBALM**, 521 E. Main, Emmett ID 83617 have applied to the Department of Water Resources to change the Point of Diversion of the following water right in Gem County pursuant to I.C. §42-211 (all sites are in T6N R1W):

RECORDED RIGHT

Permit #65—13805, ground water, priority date 9-25—1998 for 4.46 cfs diverted in SWSW S9 for municipal use serving the City of Emmett.

PROPOSED AMENDMENT

Drill a well in SESE S8 instead of SWSW S9. This has been the intended well site, and the amendment corrects errors in the water right record.

The permit will be subject to all prior water rights. Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705—5082 together with a protest fee of \$25.00 on or before April 5, 1999. The protestant must also send a copy of the protest to the applicant.

Pub.: 3 - 17, 24, 1999

Karl J. Dreher, Director

Legal Notice No. 3543

MICROFILMED
JUN 09 1999

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
 ss.
COUNTY OF GEM,

MARIANNE CHANEY, 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
10-21, 1998,
and ending with the issue of
10-28, 1998

Marianne Chaney
Subscribed and sworn to me this

98th day of
October, 1998

Janice Lusk
Notary Public
Residing at Emmett, Idaho

MY COMMISSION EXPIRES
JUNE 21ST, 2003

My Commission Expires _____

RECEIVED

OCT 29 1998

WATER RESOURCES
WESTERN REGION

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13805 ✓

CITY OF EMMETT
LOWELL ROSANBALM
501 E. MAIN
EMMETT, ID 83617

Source: GROUNDWATER

Diversion Pt: SWSWSW Sec 9 T 06N R 01W in Gem County.

Use: MUNICIPAL (4.460 CFS)
Total Diversion: (4.460 CFS)

Date Filed: 9/25/1998

Applicant agrees to mitigate consumptive use in future as needed.
Place of use is within the city limits of Emmett.

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 NOVEMBER 9, 1998. The protestant must also send a copy of the
protest to the applicant.

KARL J. DREHER, Director

Pub.: 10 - 21, 28, 1998

Legal Notice No. 3387
Published in the Messenger Index

MICROFILMED

FEB 18 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
65-13805 IN THE NAME OF)
CITY OF EMMETT)
_____)

REINSTATEMENT ORDER

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before February 1, 2002; and,

WHEREAS, the Department notified the permit holder on November 30, 2001 by certified mail 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; and,

WHEREAS, the Department sent the permit holder a lapse notice on February 5, 2002, since it had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing, and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting acceptable proof of beneficial use on March 1, 2002,

IT IS, THEREFORE, HEREBY ORDERED that Permit No 65-13805 is **REINSTATED** with an advance in priority to **October 23, 1998**.

DATED this 4th day of April, 2002


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED
APR 5 0 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

MAR - 1 2002

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. 65-13805 Telephone No. (208) 365-6050

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

3. Mailing Address: 501 East Main

City Emmett State ID Zip 83617

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

Well Driller Riverside, Inc Drilling Permit Number: 65-99-W-0181-000

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: 4:46 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. \$ 200.00 (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: Bruce Evans Telephone Number: (208) 365-6050

Address 501 East Main, 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 water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder

[Signature]

(include your title, if on behalf of company or organization)

Mayor, City Of Emmett, Emmett, Idaho

Date: 2-21-02

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No 65-13805
Name(s) of Permit Holder City of Emmett
Address 501 E. Main Street City Emmett State ID Zip 83617
Telephone No (208) 365-6050 Date Proof is Due February 1, 2001

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

The well has been constructed and pump tested. The pumping facilities have been designed and constructed. The well has been connected to the City water system. Remaining work includes installation of a duplex metering pump system for the chlorination equipment.

Costing \$ Unknown

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Design and construction of the facilities for the development of this water right are to be completed by Independent School District #221. The School District has asked the City to order and install the duplex metering pumps. The City is currently ordering the metering pumps.

Permit holder(s) request an extension to February 1, 2002

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use is extended to February 1, 2002.

Signed this 22nd day of January, 2001

L. Glen Saxton
L. Glen Saxton, Chief
Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
INSTRUCTIONS FOR EXTENSION OF TIME REQUEST
TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. **Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.**

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may be granted one or more extensions of time even though no work has been accomplished:

- When there is a lack of a required consent or final approval from a federal government agency (**evidence of delay must be submitted with the request**), i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
- When litigation related to title of the water has prevented development of the permit (**evidence must be submitted with the request**).
- When the water project is of a large scale -- storage of more than 10,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
- When the water right permit is held by the United States of America (**reason for request must be submitted**).

A non-refundable filing fee of \$50.00 must accompany the Request for Extension of Time form

NOTE that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect.

MICROFILMED

7/94 (Internet)

RECEIVED

JAN 31 2000

Department of Water Resources

For Office Use Only
\$25 Filing Fee
Receipt 1047948
Date 1-31-2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

I, Lowell Rosanbalm, hereby assign to City of Emmett
of, 501 E. Main, Emmett, ID 83617 (208) 642-3304
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 65-13805 to
appropriate the public waters of the State of Idaho.

Q. (for partial assignments)

The following described portion of my right, title, and interest in and to
Permit No. 65-13805 to appropriate the public waters of the State of
Idaho. (Describe portion of the permit assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.)

Made this Jan day of 18, 192000

Lowell Rosanbalm
Permit Holder

State of Idaho)
County of Idaho) ss

On this 18th day of January, 192000, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

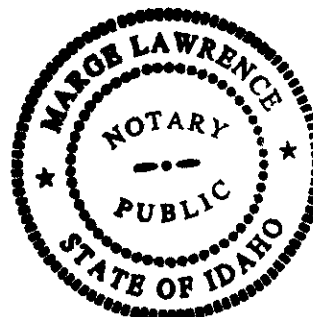
Marge Lawrence
Notary Public residing at
Emmett, Idaho

seal

My commission expires: 5-5-2004

MICROFILMED

FEB 03 2000



JAN 14 2000

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No 65-13805

Name(s) of Permit Holder City of Emmett

Address 501 East Main Street City Emmett State ID Zip 83617

Telephone No 365-6050 Date Proof is Due: February 1, 2000

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

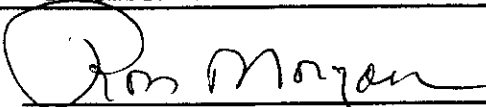
The well has been constructed and pump tested. The pumping facilities are being
designed at this time.

Costing \$ Unknown

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

The design and construction of the facilities for the development of this water right is
to be completed by the Independent School District #221. The facilities are to be
operational prior to occupancy of a new school

Permit holder(s) request an extension to December 1, 2000



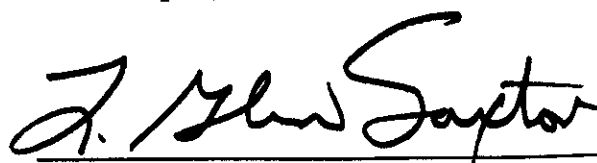
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to February 1, 2001.

Signed this 24th day of January, 2000



L. GLEN SAXTON, Bureau Chief
Water Allocations Bureau

MICROFILMED

JAN 31 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
INSTRUCTIONS FOR EXTENSION OF TIME REQUEST
TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. **Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.**

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may be granted one or more extensions of time even though no work has been accomplished:

- When there is a lack of a required consent or final approval from a federal government agency **(evidence of delay must be submitted with the request)**, i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
- When litigation related to title of the water has prevented development of the permit **(evidence must be submitted with the request)**.
- When the water project is of a large scale – storage of more than 10,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
- When the water right permit is held by the United States of America **(reason for request must be submitted)**.

A non-refundable filing fee of **\$50.00** must accompany the Request for Extension of Time form.

NOTE that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDMENT OF PERMIT
PERMIT NO. 65-13805

This is to certify, that CITY OF EMMETT
LOWELL ROSANBALM
501 E MAIN
EMMETT ID 83617

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-211, Idaho Code. The approved amendment of permit is described as follows:

SOURCE

GROUNDWATER

Priority: September 25, 1998

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

MUNICIPAL

01/01 to 12/31

4.46 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 8, Township 06N, Range 01W
GEM 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 February 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. 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.
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 issuance of this right does not grant any right-of-way or easement across the land of another.
7. Place of use is within the city limits of Emmett.

Witness my hand this 23rd day of April 1999

J. Glen Saylor
Chief, Water Allocation Bureau

MICROFILMED

JUN 04 1999

Receipt No. W024871
Received By ST for: ST
Date 3-10-99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR AMENDMENT OF A PERMIT 21 1999

Department of Water Resources

Applicant CITY OF EMMETT AND/OR LOWELL ROSANBALM Phone 365-6050
Address 521 E. MAIN EMMETT, ID 83617

I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 65-13805, and request that the permit and permit map be amended and/or changed as follows:

Purpose of Amendment: ☒ Change point of diversion ☐ Add point of diversion
☐ Change place of use ☐ Change nature of use ☐ Change period of use ☐ Other
1. Point of diversion: 1/4 SE 1/4 SE 1/4, Section 8, Township 6N, Range 1W, B.M.,
County of GEM. Other points of diversion _____

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

* Amount 2000 GPM for MUNICIPAL WATER purposes from JANUARY 1 to DECEMBER 31 (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)
Amount N/A for N/A purposes from N/A to N/A (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)
Amount N/A for N/A purposes from N/A to N/A (both dates inclusive)
(cfs or acre feet per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated:

T w p	R g e	S e c	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? LOWELL ROSANBALM IS FILING PROPERTY FROM MIKE AND JANET FISHER
b. Who owns the land to be irrigated at the place of use? N/A
* c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

MICROFILMED

* 2000 gpm = 4.46 cfs as permitted.

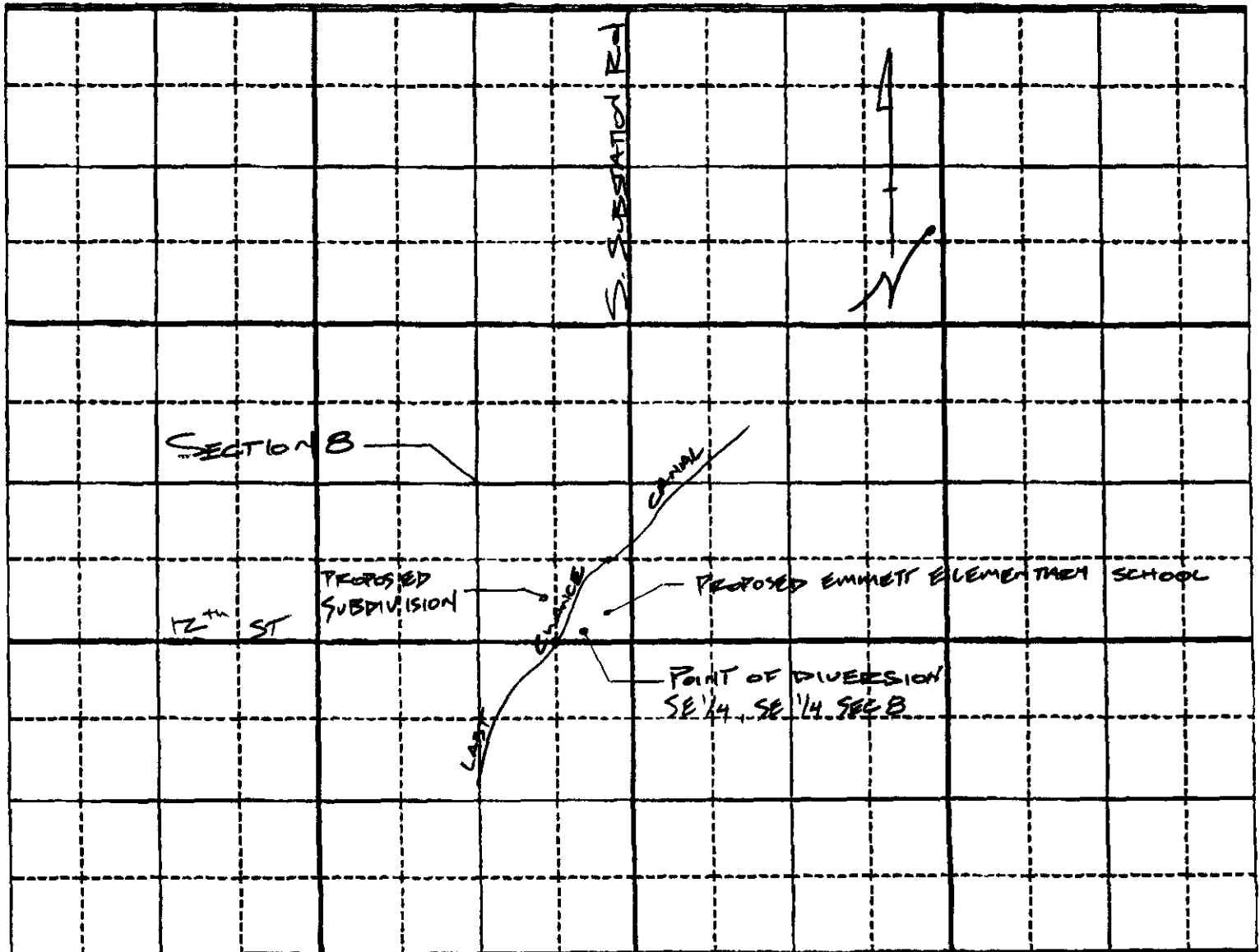
See 10/7/98 D'BASE comments re access to p/m site.

JUN 09 1999

-82 3/8/99

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 1/4 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 4 day of Mar., 19 99.

Lawrence J. [Signature]
 Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by RL 3/10/99 Publication prepared by et Date 3-10-99

Published in Independent Enterprise Publication dates 3-17 & 24-99

I, _____, of the Department of Water Resources hereby

MICROFILMED

Witness my hand this _____ day of _____, 19 JUN 0.9 1999

[Signature]

SIGNATURE

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13805

Proposed Priority: September 25, 1998 Maximum Diversion Rate: 4.46 CFS

This is to certify, that CITY OF EMMETT
LOWELL ROSANBALM
501 E MAIN
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>
MUNICIPAL	01/01 to 12/31	4.46 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 9, Township 06N, Range 01W
GEM County

PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

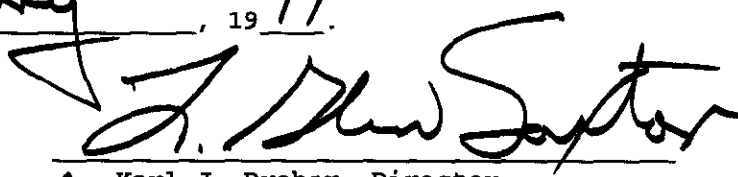
1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 2000.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The Director retains jurisdiction to 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.
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 issuance of this right does not grant any right-of-way or easement across the land of another.
7. Place of use is within the city limits of Emmett.

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

11 day of February, 1999.

MICROFILMED

FEB 18 1999


for Karl J. Dreher, Director

RECEIVED

SEP 25 1998

WATER RESOURCES
WESTERN REGION

Ident. No. 65-13805

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

and/or

1. Name of Applicant City of Emmett ^A Lowell Rosanbalm Phone 365-6050

Post Office address 501 E. MAIN
231 S. Washington Avenue Emmett, ID 83617

2. Source of water supply groundwater - 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. 8 Township 6.N Range 1.W B.M. Gem County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2,000 gpm for municipal well #9 purposes from January 1 December 31 of Spring 1999 to Forever (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) Amount N/A for N/A purposes from N/A to N/A (both dates inclusive)

5. Total quantity to be appropriated is (a) 2,000 gpm 4.46 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 N/A inclusive.

c. Proposed well diameter is 12 in. 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) City of Emmett

7. Time required for completion of works and application of water to proposed beneficial use is 3 mos. 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. City of Emmett

d. Domestic; show number of households. N/A

e. Other; describe fully. N/A

per city clerk - moved to 501 E. Main
10/2/48

MICROFILMED
FEB 18 1999

9. Description of place of use: City of Emmett

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

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. within the city limits of Emmett, ID.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6-N	1-W	8							M										City wide

Total number of acres to be irrigated City wide

10. Describe any other water rights used for the same purposes as described above. Existing City of Emmett municipal water rights

11. a. Who owns the property at the point of diversion? Mike and Janet Fisher

b. Who owns the land to be irrigated or place of use? Wellsite to be provided to the City of Emmett

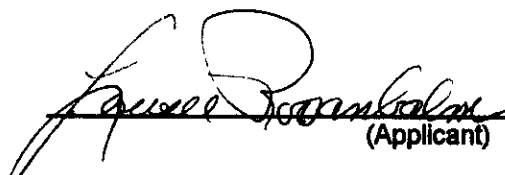
c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: See #12 below

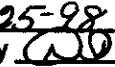
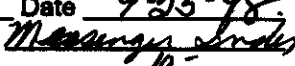
12. Remarks: Mr. Lowell Rosanbalm is buying the property from Mike and Janet Fisher.
Mr. Rosanbalm will provide the well site to the City of Emmett.

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.


(Applicant)

Received by  Date 9-25-98 Time 4:10 Preliminary check by 
Fee \$ 180 Received by  # W024449 Date 9-25-98
Publication prepared by  Date 10-14-98 Published in 
Publication approved  Date 11-17-98

MICROFILMED

FEB 18 1999

Ident. No. 65-13805

Comments: Date: 10/ 7/1998 User-ID: STAYLOR

Subject: Place of use.

Place of use is within the city limits of the city of Emmett. M. Lowell Rosanbalm is buying the property from Mike and Janet Fisher. Mr. Rosanbalm will provide the well site to the City of Emmett.

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FEB 18 1999



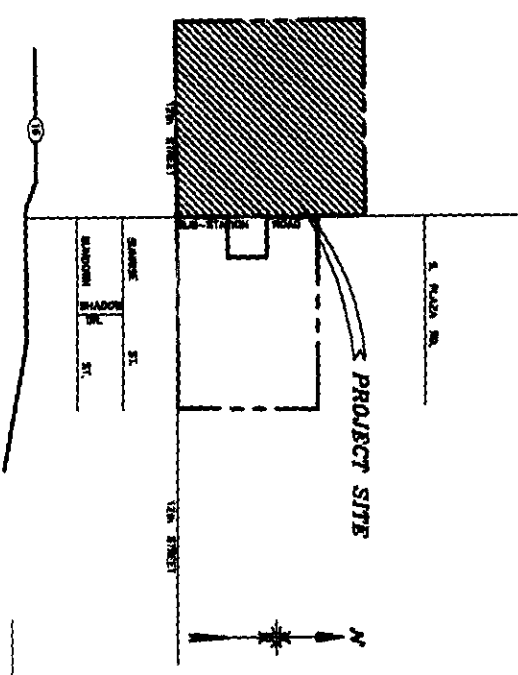
SCALE: 1" = 100'

LEGEND

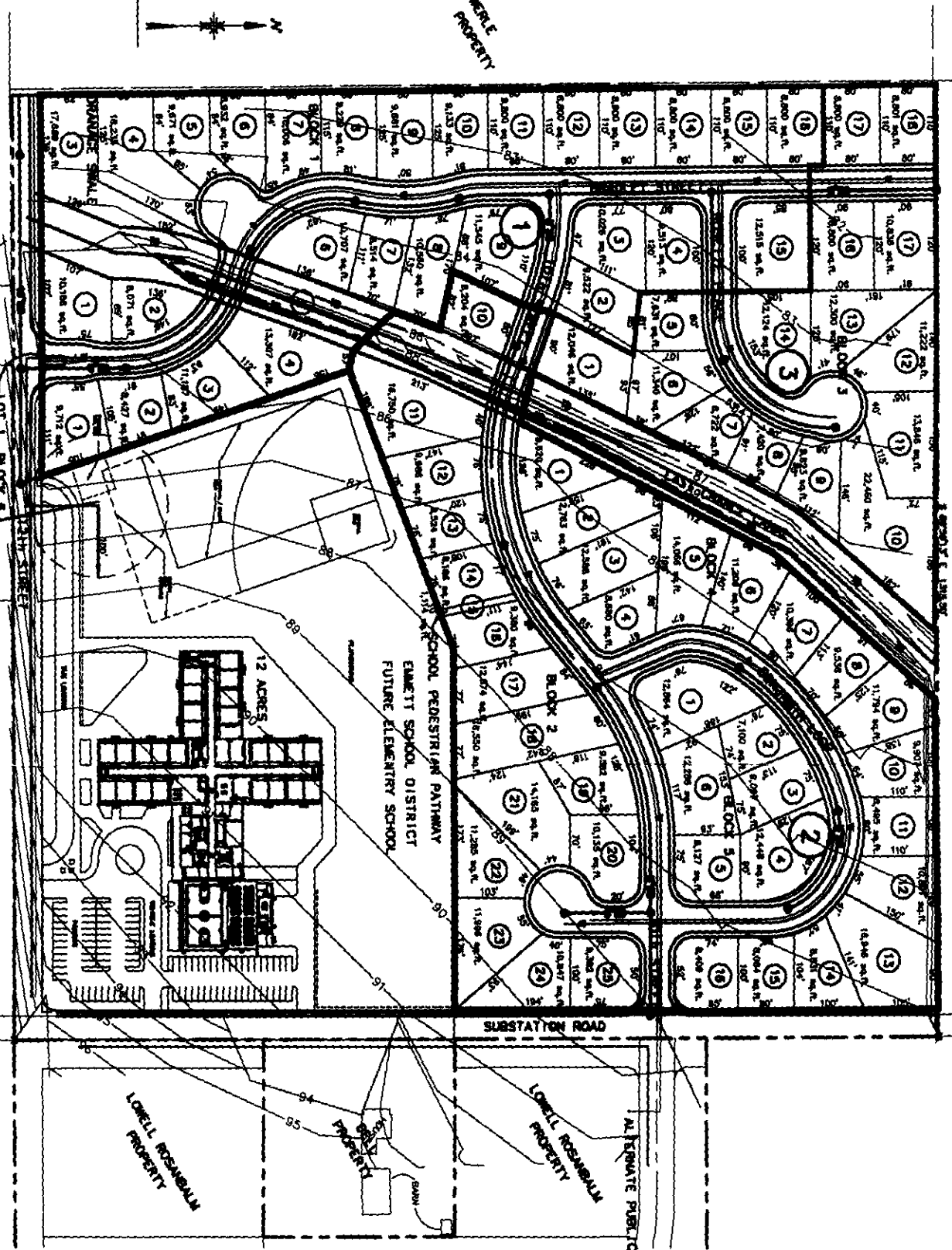
- BOUNDARY LINE
- RIGHT-OF-WAY
- CENTER LINE
- LOT LINE
- IMPROVED C&G, DITCH & SEWAGE
- EXISTING FENCE
- DITCH CENTER LINE
- PUBLIC WATER SYSTEM
- PUBLIC SEWER LINE AND VARIANCE
- PHASE LINE
- PHASE NUMBER

PHASE 1-27 BUILDABLE LOTS
PHASE 2-37 BUILDABLE LOTS
PHASE 3-15 BUILDABLE LOTS
79 TOTAL BUILDABLE

NEIGHBOR MAP
-M75-

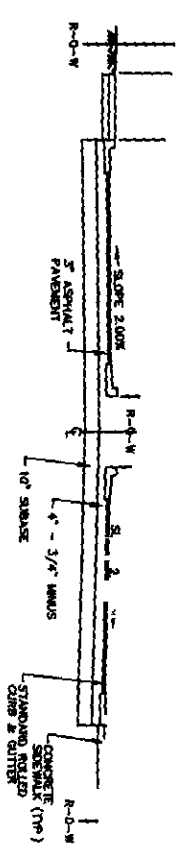


SHERRY GIVEN
VIVIAN CLINE
Well site

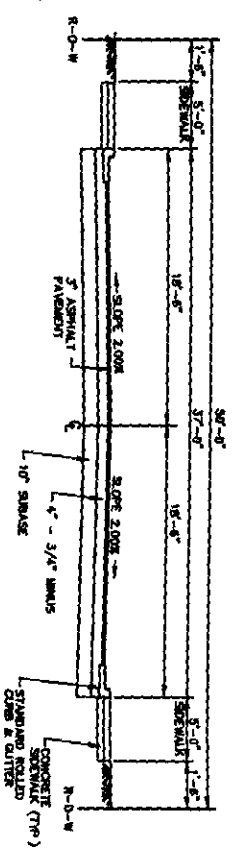


WILLIAM PROPERTY

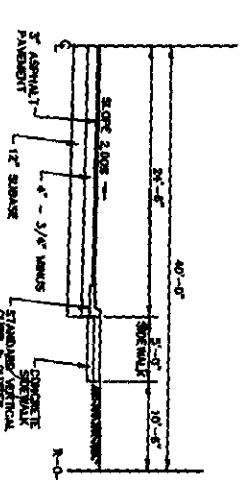
ALTERNATE PUBLIC WELL SITE



60' RIGHT-OF-WAY
TYPICAL STREET SECTION
-NTS-



50' RIGHT-OF-WAY
TYPICAL STREET SECTION
-NTS-



40' RIGHT-OF-WAY
TYPICAL STREET SECTION
-NTS-

NOTES

1. ALL LOTS ARE DESIGNATED FOR SINGLE FAMILY DWELLINGS, EXCEPT FOR LOT 1, BLOCK 1, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 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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

April 5, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CITY OF EMMETT
501 EAST MAIN
EMMETT ID 83617

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 65-13805

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and examination fee submitted for the above referenced permit. Enclosed is an order reinstating the permit advancing the priority since proof was submitted after the proof due 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. The regional office staff will contact you when that examination is to be conducted. 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

Enclosure

c: IDWR - Region (w/encl.) **MICROFILMED**

APR 18 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No. 65-13805

Reviewed By. dgibson

Date: April 4, 2002

	<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..		65-99-W-0181-00
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.		C060307	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		03/01/2002
Date proof due	-	02/01/2002
Lapse notice sent	-	
No. of days late	=	28
Holiday allowance	+	
Priority date	+	09/25/1998
New priority date	=	10/23/1998

Deficiencies of Actions Items

Acknowledge proof Reinstall permit and advance priority date to October 23, 1998.

February 5, 2002

CITY OF EMMETT
501 E MAIN
EMMETT, ID 83617

LAPSE NOTICE

RE: PERMIT NO. 65-13805

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 the proof due notice dated November 30, 2001. 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.

Sincerely,

L. Glen Saxton, Chief
Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 2/5/02
~~a copy~~ an original copy of this letter was
deposited in the United States mail,
postage prepaid, addressed to the
individual(s) named above.

MICROFILMED

FEB 13 2002

dy

November 30, 2001

CITY OF EMMETT
501 E MAIN
EMMETT, ID 83617

PROOF DUE NOTICE

RE: PERMIT NO. 65-13805

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 February 01, 2002. (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.

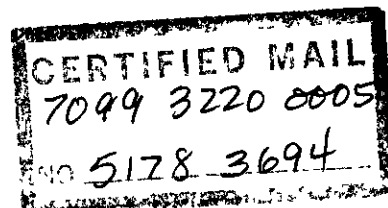
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED
NOV 30 2002





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

January 22, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CITY OF EMMETT
501 E MAIN ST
EMMETT ID 83617

RE: PERMIT NO. 65-13805

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use of water to **February 1, 2002**. Please note that the department granted the extension due to circumstances beyond your control, which kept you from completion of developing the permit. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extension requests based on due diligence or circumstances beyond your control.

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. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

If you have any questions regarding this matter, please feel free to contact the department.

Sincerely,

Deborah J. Gibson
Administrative Assistant I
Water Allocation Bureau

Enclosures

c: IDWR - Regional Office

MICROFILMED

JAN 13 2002

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No 65-13805

Reviewed By dgibson

Date: January 22, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Request received timely?	X		Is the delay a government agency?		X
Appropriate fee submitted?	X		Is supporting documentation needed to support the file?		
Additional Amount Due.					
Receipt No	C051943		Has the permit been involved in litigation?		X
Name and signature same as permit?		X	Is supporting documentation needed to support the file?		
Is address same as permit?	X		Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		X
Has adequate work been completed to demonstrate due diligence?		X			

Priority Calculation

Extension request received	01/19/2001	New proof due date
Date proof due	- 02/01/2001	
No of days late	= 0	
Holiday allowance	+	
Priority date	+ 09/25/1998	
New priority date	= 09/25/1998	

Action Taken

Acknowledge proof Deny request for extension based on previous due diligence extension filed with no additional due diligence allowed

Idaho Department of Water Resources Receipt

Receipt ID C051943

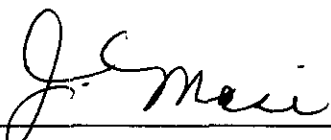
Payment Amount	\$50.00	Date Received	1/19/01 2:36:53 PM	Region	State	Status
Payment Type	Check	Check Number	35735			

Payer CITY OF EMMETT

Comment WATER PERMIT # 65-13805

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	EXTENSIONS	0229	21	56103	1155


Signature Line (Dept. Representative)

MICROFILMED
JUL 10 2002

November 30, 2000

CITY OF EMMETT
501 E MAIN
EMMETT ID 83617

PROOF DUE NOTICE

RE: PERMIT NO. 65-13805

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 February 1, 2001. (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.

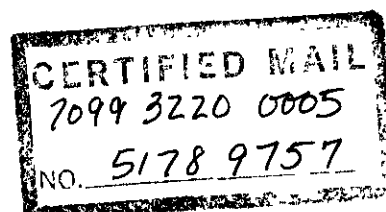
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

DEBORAH GIBSON
Administrative Assistant

Enclosures

MICROFILMED
JUL 10 2002





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

February 1, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CITY OF EMMETT
501 E MAIN
EMMETT ID 83617

RE: Assignment of Permit 65-13805

Dear Permit Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

JP Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

FEB 03 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

January 24, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CITY OF EMMETT
501 EAST MAIN ST
EMMETT ID 83617

RE: PERMIT NO. 65-13805

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use to **February 1, 2001**. Please note that the department granted the extension based on due diligence. It is important that you work diligently towards completion of the project since the department **will not** be able to grant future extension requests based on due diligence.

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. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact the department, if you have any questions regarding this matter.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

JAN 31 2000

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 65-13805 Reviewed by WJ Date 1-19-00

BASIC INFORMATION

yes Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
NO Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

*Extend proof due date to Feb 1, 2001
based on due diligence*

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address _____
Change Proof Due Date Feb 1, 2001
Change Priority Date _____

November 30, 1999

CITY OF EMMETT
LOWELL ROSANBALM
501 E MAIN
EMMETT ID 83617

PROOF DUE NOTICE

RE: PERMIT NO. 65-13805

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 February 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.

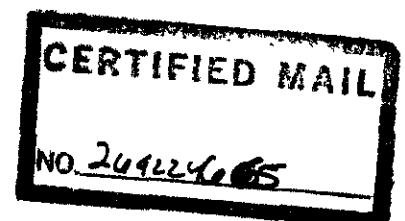
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
JAN 31 2000



IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 _____ 1/4 _____ 1/4 _____
Lat _____ Long _____ : _____

1. WELL TAG NO. D 0009880
DRILLING PERMIT NO. 65-99-WC181-000
Other IDWR No. WR 65-13805

2. OWNER:

Name Independent School Dist. #201
Address 601 E 2nd St.
City Emmett State ID Zip 83617

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location

N
W
E
S
Twp 40 North ☒ or South ☐
Rge 1 East ☐ or West ☒
Sec. 8 1/4 SE 1/4 SE 1/4
Gov't Lot _____ County Bern
Lat _____ Long _____
Address of Well Site 12th Street
City Emmett

(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 Reverse

7. SEALING PROCEDURES

SEAL/FILTER PACK		AMOUNT		METHOD
Material	From	To	Sacks or Pounds	
Bentonite	0	34'	53.00	Overbore
E. 1/2" Sand				
Graded Silica	350	535	24/300	Overbore

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
18"	12	34'	.375	Steel	☒	☐	☒	☐
10"	410	470'	.365	Steel	☒	☐	☒	☐
10"	475	485'	.365	Steel	☐	☐	☐	☐

Length of Headpipe 25' Length of Tailpipe 10'

9. PERFORATIONS/SCREENS

Perforations

Method

☒ ScreensScreen Type Johnson Wire Wrap

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
375	410	.040		10"	S.S.	☒	☐
420	435	.040		10"	S.S.	☐	☐
435	440	1/4"		10"	S.S.	☒	☐
440	450	.030		10"	S.S.	☒	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

18 ft. below ground Artesian pressure _____ lb.

Depth flow encountered _____ ft. Describe access port or

control devices: 1 1/2" capped MICROFILMED

11. WELL TESTS:

☒ Pump	☐ Bailor	☐ Air	☐ Flowing Artesian
Yield gal/min	Drawdown	Pumping Level	Time
1850		92'	6 hrs

Water Temp 66.5° Bottom hole temp. _____
Water Quality test or comments 240 mmhos

Depth first Water Encounter _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Water

Bore Dia	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
28	0	9	Top Soil		
	9	54	River Gravel & Coarse Sand		
	54	150	Clay & Sand Strs		
	150	179	Coarse Blue Sand		
	179	190	Blue & Gray Clay		
	190	205	Coarse Sand		
	205	220	Sand & Clay Strs		
	220	270	Coarse Sand Clay Strs		
	270	290	Coarse Sand Clay Strs		
	290	300	Coarse Sand Sm Gravel		
	300	310	Blue Clay Strs Sand		
	310	370	Coarse Sand & Clay		
	370	410	Coarse Blue Sand		
	410	420	Sandy Blue Clay		
	420	429	Coarse Sand & Gravel		
	429	432	Gray Clay		
	432	438	Coarse Sand		
	438	445	Clay & Sand		
	445	448	Green Clay Strs Sand		
	448	485	Coarse Sand Strs Clay		
	485	525	Coarse Blue Sand		
	525	535	Clay		

RECEIVED

OCT 04 1999

Department of Water Resources

Completed Depth 535' (Measurable)
Date Started 7-19-99 Completed 9-19-99

13. DRILLER'S CERTIFICATION

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

Company Name Riverside Inc. Firm No. 333

Firm Official _____ Date _____

and _____

Driller or Operator _____ Date 10-1-99

(Sign once if Firm Official & Operator)



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

April 26, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CITY OF EMMETT
LOWELL ROSANBALM
501 E MAIN
EMMETT ID 83617

RE: Water Right 65-13805

Dear Water Right Holder(s):

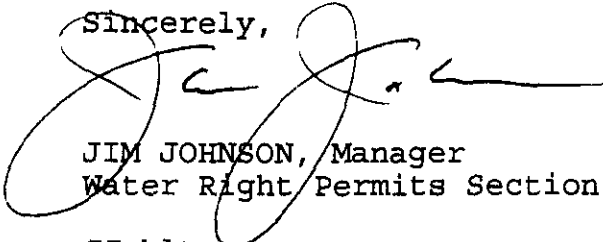
The Department of Water Resources (IDWR) has issued the enclosed Amendment of Permit approving your application to amend the water right referenced above. Please be sure to review every element of the Amendment of Permit, including the conditions of approval and remarks.

The Amendment of 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.

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 regarding this matter, you may call me at 208-327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

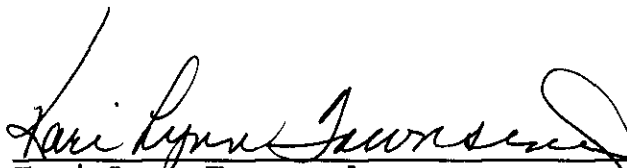
MICROFILMED
JUN 09 1999

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of April, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Amendment of Permit)** to the person(s) listed below:

WATER RIGHT 65-13805

**CITY OF EMMETT
LOWELL ROSANBALM
501 E MAIN
EMMETT ID 83617**



Kari Lynn Townsend
Secretary

MICROFILMED
JUN 09 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.

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.

WR0749NP
No. 865-13805

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/22/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CITY OF EMMETT 501 E MAIN EMMETT ID 83617 (208) 365-6050	09/25/1998	MUNICIPAL	01/01 12/31	4.460 CFS	
				TOTAL DIVERSION:	4.460 CFS	
C	LOWELL ROSANBALM					

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion:

T06N R01W S08

SESE

GEM County

Pou County:

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

65-00974 65-00975

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit
 - requirements of Section 42-235, Idaho Code.
- 120 - 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.
- 081 - 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.
- 004 - The issuance of this right does not grant any right-of-way
 - or easement across the land of another.

Remarks: GEN Place of use is within the city limits of Emmett.

Dates: App. Received: 09/25/1998 Priority Date: 09/25/1998
Proof Due Date: 02/01/2000 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 10/07/1998 User-ID: STAYLOR Subject: Diversion Description/Ownership
M. Lowell Rosanbalm is buying the property from Mike and Janet
Fisher. Mr. Rosanbalm will provide the well site to the City
of Emmett.

Audit: 04/22/99 SCURTIS

MICROFILMED
JUN 09 1999

MICROFILMED
 JUN 09 1999

State of Idaho
Department of Water Resources
AMENDMENT ANALYSIS SHEET

RECEIVED

APR 21 1999

Department of Water Resources

Right Number GS-13805 WP File Name EMMETT
Initial Review By: RL Date 3/10/99
Applicant CITY OF EMMETT F/W LOWELL ROSANBALM
Purpose of Amendment: ☒ Change point of diversion. ☐ Add diversion point(s)
☐ Increase amount. ☐ Change place of use. ☐ Other _____

CHECK:

- ☒ Description of amended point(s) of diversion no change
☒ Amount, nature and period of use. If increased, delay date of priority.
☒ Ownership of point of diversion and place of use.
☒ Map.
☒ Signature (must be permit holder).
☒ Fee.
☒ Existing water rights from the same source, amended place of use P/D
☐ Right number(s) NONE FOR MUNICIPAL USE IS PROPOSED QX
☒ Yes ☐ No Should amendment be advertised?
☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____
☒ Legal notice electronically transmitted to State Office.
☒ Additional analysis information attached.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. ☒ Amendment published correctly
☐ Protest processed.
☒ Comment letters to: DEQ
☐ Copy for region file: Always include application, staff analysis sheet, legal notice
List other items to copy Attached page 3/8/99 conv. memo - note item 2
☒ Approve. C well site
☐ Deny.

Conditions 046

By Gary S Date 4/16/99

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete: By _____ Date _____
☐ Approved copy sent to applicant and to Region. By AS Date 4/16/99

Pam

CONVERSATION MEMORANDUM

DATE 3/8/99
FILE 65-13805

NAME OF PARTY Ross Erickson - Consulting
EMPLOYEE 82 Engineer 288-1992

RE: Amendment Application

OK 3/10 ✓ ① No fee paid - if submit \$50 ≤ 3/9, can
advertise 3rd & 4th wks. of month.

NOTE & WELL SITE → ② SESE 5.8 has been planned well site all along -
said Hubble Eng. plot of orig. appl. had
wrong 1/4-1/4 label.
Then IOWA issued permit with wrong section #.
So now trying to correct the paper trail.

SEE ENGR.'S 3/5/99 LETTER → ③ Might need to request expedited d.p. since
situation perhaps somewhat critical are
discussing possible ways to go & doing that.

If water supply for city becomes urgent, we
can work on some arrangement for that.

✓ HE will get \$50 payment to begin asap
to allow processing to resume.

MICROFILMED
JUN 09 1999

✓st

RECEIVED
MAR 25 1999
WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
 ss.
COUNTY OF GEM,

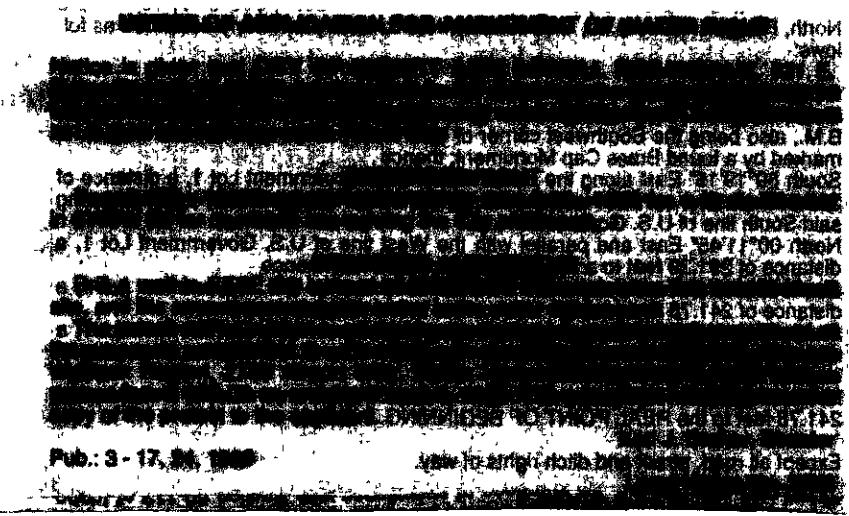
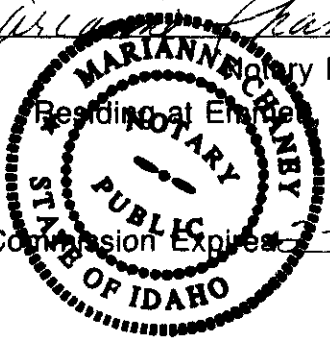
Mary K. Black, being first
duly sworn, on her oath deposes and
says that she is the clerk of the Mes-
senger Index, a legal weekly news-
paper published at Emmett, in Gem
County, Idaho; that said newspaper
is in general circulation in said
county and has been published unin-
terruptedly and continuously 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
March 17, 1999,
and ending with the issue of
March 24, 1999
Mary K. Black

Subscribed and sworn to me this
24th day of
March, 1999
Marianne Cheney

Notary Public
Residing at Emmett, Idaho

My Commission Expires 2-4-2005



MICROFILMED
JUN 09 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 11, 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 Amendment of Water Right No. 65-13805 in the Name of City of Emmett
&/or Lowell Rosanbalm

Dear Interested Party:

Enclosed is an copy of the above-referenced application for amendment of water right no. 65-13805 which may be of interest to you.

Please review the application and return any comments you might have

A protest must be received with a \$25.00 protest fee on or before April 5, 1999. If you do not wish to protest, informal comments should still be submitted by the end of the protest period.

Sincerely,

A handwritten signature in cursive script that reads 'Gary Spackman'.

Gary Spackman

GS:st

Encl.

MICROFILMED

JUN 09 1999

Memorandum

To: Steve Lester 

From: Sue Bock 

Date: 03/05/99

Re: Amendment of Permit

Steve, I spoke with Ross Erickson, project engineer with Keller & Assoc. on my office day. Mr. Erickson is working on a municipal water system for the City of Emmett. He noticed a discrepancy for the pod on the permit versus actual location. He submitted an application for amendment of a permit and asked if this matter could be expedited.

When I spoke with him on the phone, I told him there would be a \$50 fee. They did not include the fee with the paperwork submitted.

Let me know if you have any questions.

Thanks

MICROFILMED

JUN 09 1999



KELLER
ASSOCIATES

131 S.W. 5th Avenue, Suite A • Meridian, ID 83642

RECEIVED
MAR 05 1999
WATER RESOURCES
WESTERN REGION

March 5, 1999

Mrs. Sue Bock
Idaho Department of Water Resources Western Region
2734 Airport Way
Boise, Idaho 83705

Dear Mrs Bock,

Pursuant our conversation earlier this week, please find the attached application for amendment of a permit being submitted on behalf of the City of Emmett and/or Lowell Rosanbalm. Note that the only modification to the permit was that of the point of diversion. The original point of diversion as stated on the initial application for permit is located at the SW1/4, SW1/4, SW1/4, Sec. 8, T6.N, R1.W, Gem County. However, the approved permit indicated the point of diversion at SW1/4, SW1/4, Sec. 9, T6.N, R1.W, Gem County. The application for amendment of a permit is requesting that the point of diversion be located at SE1/4, SE1/4, Sec. 8, Gem County.

Included in this package is the original application for permit to appropriate the public waters of the State of Idaho, the permit approval notice, and the application for amendment of said permit.

The proposed well will adjoin the City of Emmett's municipal water system and serve the proposed neighboring elementary school and residential development. The construction of this well is of utmost urgency as proposed neighboring residential construction and an elementary school will require its use shortly.

Please contact me at (208)-288-1992 if you have any questions or require any additional information. Your expeditious response would be greatly appreciated.

Sincerely,

Ross K. Erickson
Project Engineer

MICROFILMED
JUN 09 1999

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13805

Proposed Priority: September 25, 1998 Maximum Diversion Rate: 4.46 CFS

This is to certify, that CITY OF EMMETT
LOWELL ROSANBALM
501 E MAIN
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>
MUNICIPAL	01/01 to 12/31	4.46 CFS

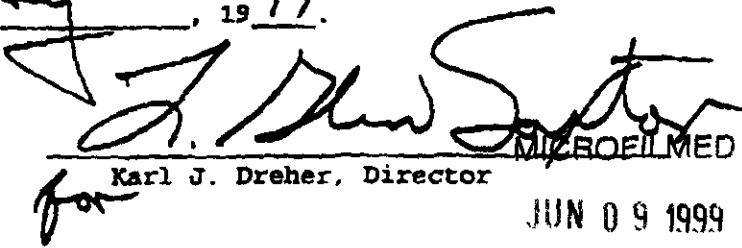
LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 9, Township 06N, Range 01W
GEM County

PLACE OF USE: See RemarksCONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 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. 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.
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 issuance of this right does not grant any right-of-way or easement across the land of another.
7. Place of use is within the city limits of Emmett.

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

11 day of February, 1999.


for Karl J. Dreher, Director

MICROFILMED
JUN 09 1999

FORM 202
1/26

RECEIVED

SEP 25 1998

WATER RESOURCES
WESTERN REGION

Ident. No. 65-13805

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

and/or

1. Name of Applicant City of Emmett & Lowell Rosanbalm Phone 365-6050
Post Office address 501 E. MAIN 231 S. Washington Avenue Emmett, ID 83617
2. Source of water supply groundwater - 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. 8 Township 6.N Range 1.W B.M. Gem County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 2,000 gpm for municipal well #9 purposes from January 1 December 31 of Spring 1999 to forever (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)
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) 2,000 gpm 4.46 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 N/A inclusive.
- c. Proposed well diameter is 12 in. 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) City of Emmett
7. Time required for completion of works and application of water to proposed beneficial use is 3 mos. 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. City of Emmett
d. Domestic; show number of households. N/A
e. Other; describe fully. N/A

MICROFILMED

JUN 09 1999

per city clerk - moved to 501 E Main
1/2/14



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 10, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

THE INDEPENDENT ENTERPRISE
PO BOX 520
PAYETTE ID 83661

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated. 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 affidavits of publication and publication billing to this office before **APRIL 5, 1999**.

Sincerely,

Sue Taylor
Senior Secretary

Encl.

MICROFILMED

JUN 09 1999

NOTICE OF APPLICATION FOR AMENDMENT OF WATER RIGHT

Notice is given that CITY OF EMMETT &/OR LOWELL ROSANBALM, 521 E. Main, Emmett ID 83617 have applied to the Department of Water Resources to change the Point of Diversion of the following water right in Gem County pursuant to I.C. § 42-211 (all sites are in T6N R1W):

RECORDED RIGHT

Permit #65-13805, ground water, priority date 9-25-1998 for 4.46 cfs diverted in SWSW S9 for municipal use serving the City of Emmett.

PROPOSED AMENDMENT

Drill a well in SESE S8 instead of SWSW S9. This has been the intended well site, and the amendment corrects errors in the water right record.

The permit will be subject to all prior water rights. Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 together with a protest fee of \$25.00 on or before April 5, 1999. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Messenger-Index on March 17 and 24, 1999.

MICROFILMED

JUN 09 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 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE

Governor

KARL J. DREHER

Director

February 12, 1999

CITY OF EMMETT
LOWELL ROSANBALM
501 E MAIN
EMMETT ID 83617

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13805

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.

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.

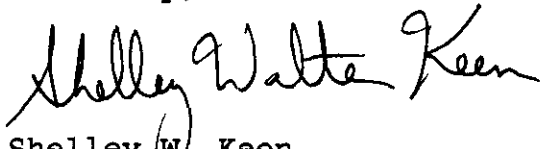
Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit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

FEB 18 1999

MICROFILMED

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

FEB 18 1999

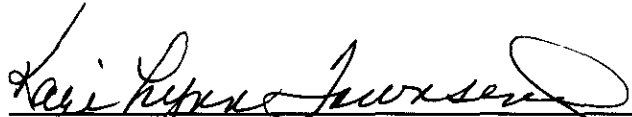
MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of February, 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. 65-13805

CITY OF EMMETT
LOWELL ROSANBALM
501 E MAIN
EMMETT ID 83617


Kari Lynn Townsend
Secretary

MAILED
FEB 18 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

FEB 18 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.

MICROFILMED

FEB 18 1999

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindylan*No.: 65-13805 Name: Emmett / Rosenbly Date: 2/8/99 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

- 26A-P17

≤ 1 year/no proof

- P18

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT:

All wells (✓ WDAQ3)

- 16/P23

In Basin 34?

- 083

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

- 065-079-102 (if GW use SW)-(keep SW)-(GW not primary irr source)

Supp. irr + uses

- 100-101-102

> 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 MIN. STR FLOW (✓ MAP)

- *WB9

IN-STREAM DEVELOPMENT

- P52 (stream channel alteration)

WD (✓ MAP & LISTING)

- R04 (WD #)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 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

- 022, 075, 004 ~~18B-P09~~, NA (not in restricted area)

Domestic surface

- *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

- 020

42-248 area

- P18 on 20/30/40/50/60/70/80 (87) basin)

SWAN FALLS FLAG (See Code Chart)

Trust

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

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

- 16/P23

STANDARD REMARKS:

- 16/P23

BENEFICIAL USE DUE:

- 16/P23

COMMENTS:

- 16/P23

RECEIVED

FEB 05 1999

Send letter to H+V

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

INITIAL REVIEW BY: 6 DATE: 10/1/98 APPLICATION: 65-13805**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:
1 P/D
N/A P/U

ADDITIONAL INFORMATION

ADVERTISE REMARK(S)

(Reviewer identify which remarks)

T FLAG CHANGED TO P FLAG

YES NO

- N/A ☒ 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:
- ☒ Bull trout impact area
- ☒ 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:
- ☒ Send 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 Form - talked with Marge (clerk for city) - said to continue with processing - would get form signed + returned

Date Requested 10/2/98

Date Response Received _____

PROCESSING

APP. NO. 65-13805

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 11-9-98
☒ ☐ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Measuring port required:
☐ ☒ Water delivered by water master? District # _____
☒ ☐ Special conditions of approval or cover letter: 046, 120, 081

See below for additional information

Recommended Date or Priority 9/25/98
Recommended by: Gay S Date: 2/3/99

STATE OFFICE REVIEW _____

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

PROTEST INFORMATION SHEET

APPLICANT: City of Emmett

WATER RIGHT NO: 65-13805

DATE FILED: 9-25-98

PROTEST DATE: 11-9-98

PROTESTANT(S) NAME & ADDRESS:

Herman &/or Marsha Werle - protest w/drawn 1/14/99
1722 E 12th St
Emmett ID 83617

Attorney Name & Address:

Issues:

Applicant - Attorney - Name & Address:

Dates:

Acknowledgement Letters: 11-13-98 _____

Hearing Notice: _____

Hearing Date: _____

Other: _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 15, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MARSHA &/OR HERMAN WERLE
1722 E 12TH ST
EMMETT ID 83617

Re: Application for Permit No. 65-13805 in the Name of City of Emmett

Dear Protestant:

This letter is to acknowledge the withdrawal of protest in the above-referenced matter.

The department will now continue to process the application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

CC: Applicant

MICROFILMED

FEB 18 1999

RECEIVED

JAN 14 1999

WATER RESOURCES
WESTERN REGION

January 13, 1999

Mr. Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Dear M. Spackman:

Please accept this letter withdrawing our protest notice for Water Right Application Permit #65-13805 for the Rosanbalm/City of Emmett water well located at the northwest corner of 12th Street and Substation Road. We still have some concerns about future water problems in our area. Therefore, we would like to have our protest notice, our follow-up letter dated November 30, 1998, and your response to that letter dated December 15, 1998 placed on file with your Department. In your letter, you have assured us that IDWR would allow us to replace an existing well by drilling deeper with no opposition if we ever lose our water.

Thank you for the opportunity to voice our concerns.

Sincerely,

Marsha Werle

Marsha Werle
1722 East 12th St.
Emmett, ID 83617

and

Herman Werle

Herman Werle
365-4976

MICROFILMED

FEB 18 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

HERMAN &/OR MARSHA WERLE
1722 E 12TH ST
EMMETT, ID 83617

Re: Application for Water Right No. 65-13805 in the Name of the City of Emmett.

Dear Mr. & Mrs. Werle:

Thank you for your letter dated November 30, 1998. I appreciate your willingness to meet with the City of Emmett and attempt to resolve the dispute.

You asked three (3) questions that I will attempt to answer:

1. If the well for the City of Emmett is drilled into a deeper aquifer than your wells, and an earthquake shifts the clay, dumping your aquifer into a lower aquifer, how will the interference problem be resolved?

First of all, I do not know whether an earthquake would cause the commingling that you referred to. If your aquifer somehow drained into a lower aquifer, or if the aquifer that you divert water from is depleted, you would probably be required to drill a deeper well.

2. Do we still have primary water rights?

I assume you are talking about the date of priority associated with your water rights. If you have a water right appurtenant to your property with a date of priority earlier than the date of priority for the application filed by the City of Emmett (65-13805), your water right will be delivered in times of shortage ahead of the water right application filed by the City of Emmett.

3. Could we and our existing neighbors with previous water rights dig a deeper well with no opposition?

At the present time, IDWR would allow you to replace an existing well that no longer produced water by drilling deeper. You would need to obtain a drilling permit for the deeper well.

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FEB 18 1999

Herman &/or Marsha Werle
December 15, 1998
Page -2-

I received some correspondence hinting that you had agreed to withdraw your protest. It appears you are still concerned about whether the water use proposed by the City of Emmett will injure your water rights, whether they are filed in good faith or for delay or speculation, and whether the application conflicts with the local public interest. You have the right to pursue any legitimate concerns you have regarding these criteria before IDWR.

Respectfully,

A handwritten signature in cursive script, appearing to read "Gary Spackman".

Gary Spackman

GS:st

CC: City of Emmett, 501 E. Main, Emmett, Idaho 83617
Wayne S. Forrey, Hubble Eng., Inc., 9550 Bethel Ct., Boise, Idaho 83709

MICROFILMED

FEB 18 1999

November 30, 1998

Gary Spackman
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Dear Mr. Spackman:

In reference to your letter to us dated November 10, 1998, here is an update on our activities concerning our water well protest for the application for Permit No. 65-13805 in the Name of the City of Emmett.

Marsha met with Mayor Ron Morgan of the City of Emmett. He reminded Marsha that the well would not be turned over to the City of Emmett until Mr. Rosenbalm has paid to have it completely installed and operating.

Marsha and Herman met with Mr. Forray, Mr. Rosenbalm's representative. We went over our three concerns (criteria the Department must consider in either approving or denying an application or permit):

1. Will the proposed use reduce the quantity of water under existing water rights?

We do not have any positive assurance that the deeper well will not reduce the quantity of water for us or for our neighbors. The Mayor and Mr. Forray say the deeper well is in a different aquifer and will not affect our water level.

3. Is the application made in good faith or for delay or speculative purposes? Marsha had heard rumors a well might not be drilled because Mr. Rosenbalm was thinking of extending existing city water lines out to the subdivisions. Mr. Forray said a well will be put in and city water lines will supplement it.

5. Will the proposed use under this permit conflict with the local public interest? If this well affects our property, it is possible it will affect our neighbors who also have previous water rights.

We're not totally satisfied with the new city well next door to our ranch property for a new subdivision, but we know we are just one voice against progress.

QUESTIONS:

If the different aquifers do solve the problem, what if an earthquake shifted the clay and our aquifer dumped into this lower level?

A. Do we still have primary water rights?

B. Could we and our existing neighbors with previous water rights dig a deeper well with no opposition?

We would appreciate a response to our questions. We wanted our protest on file.

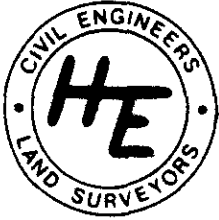
Thanking you sincerely,

Marsha Werle
Marsha Werle
1722 East 12th St.
Emmett, ID 83617

and

Herman Werle
Herman Werle
365-4976

MICROFILMED
FEB 18 1999



HUBBLE ENGINEERING, INC.

9550 Bethel Court ■ Boise, Idaho 83709

208/322-8992 ■ Fax 208/378-0329

November 30, 1998

Mr. Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED
DEC 01 1998
WATER RESOURCES
WESTERN REGION

RE: Application for Permit No. 65-13805 in the name of the City of Emmett. Meeting with Mr. Herman F. and Mrs. Marsha L. Werle

Dear Mr. Spackman:

On Wednesday, November 25, 1998, I met with Mr. and Mrs. Werle in Emmett, Idaho, to review the City Emmett's water right application for a new municipal well. During the meeting, the three of us discussed the construction details of the proposed new well and I believe we reached an understanding on issues that will lead to resolution of the protest filed by Mr. and Mrs. Werle.

I have been told that the Werle's are on vacation right now and not available to co-sign a letter with me. I would like to prepare a written summary of our meeting which could then be signed by Mr. and Mrs. Werle and me. I am requesting a ten (10) day time extension to December 10, 1998, to give me additional time to meet with Mr. and Mrs. Werle after they return from their vacation. I will keep you posted on my progress in resolving the concerns of the Werle family.

Respectfully,

Wayne S. Forrey, AICP
Hubble Engineering, Inc.

WSF/vw/Spackman

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FEB 18 1999

RECEIVED

OCT 29 1998

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
 ss.
COUNTY OF GEM,

Marianne Chaney, 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
10-21, 1998,
and ending with the issue of
10-28, 1998

Marianne Chaney
Subscribed and sworn to me this

29th day of
October, 1998

Jane L. Smith
Notary Public
Residing at Emmett, Idaho



MY COMMISSION EXPIRES
JUNE 21ST, 2001

My Commission Expires _____

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FEB 18 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

November 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CITY OF EMMETT
LOWELL ROSANBALM
501 E MAIN
EMMETT ID 83617

Re: Application for Permit No. 65-13805

Dear Applicant:

Enclosed is another protest filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant and attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest have been resolved, the matter will be scheduled for a conference. The following are the criteria the Department must consider (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,


Gary Spackman

GS:st

Enclosure: Copy of protest(s)

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FEB 18 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

November 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

HERMAN F &/OR MARSHA L WERLE
1722 E 12TH ST
EMMETT ID 83617

Re: Application for Permit No. 65-13805 in the Name of the City of Emmett

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. The following are the criteria the Department must consider in either approving or denying an application or permit (Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,


Gary Spackman

GS:st

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FEB 18 1999

RECEIVED

NOV 05 1998

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

NOV 03 1998

Department of Water Resources

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for Permit # 65-13805
2. Name of protestant Herman F. + Marsha L. Werle
3. Protestant's representative for service (If different than protestant)
Herman F. Werle
4. Service mailing address 1722 E. 12th St, Emmett, ID 83617
5. Service telephone no. 365-4976
6. Basis of protest (including statement of facts and law upon which the protest is based)
Idaho Code Sec. 42-203A
The appropriation will injure my water rights. The application
may be made in good faith - perhaps for speculative purposes.
The application will conflict with the local public interest, where the
local public interest is defined as the affairs of the people in
the area directly affected by the proposed use.
(additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? To withdraw the application.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 3rd day of November, 19 98.

Marsha L. Werle
PROTESTANT

PROTESTANT'S REPRESENTATIVE

Our water right number is 65-5233.

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FEB 18 1999

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____" in the name of _____ or "Application for Transfer No. _____" in the name of _____.
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by Hand Date 11/3/98 Time 1:40pm
\$25.00 fee Received by Hand # 124583 Date 11/3/98

MICROFILMED
FEB 18 1999

NOT RECORDED
NOV 18 1998



STATE OF IDAHO
DIVISION OF
ENVIRONMENTAL QUALITY

1445 North Orchard, Boise, ID 83706-2239, (208) 373-0550

October 21, 1998

RECEIVED

OCT 22 1998

WATER RESOURCES
WESTERN REGION

Philip E. Batt, Governor

Gary Spackman
Idaho Department of Water Resources, Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: City of Emmett
Application for Permit to Appropriate Public Waters
Identification No. 65-13805

Dear Mr. Spackman:

We have reviewed the referenced application. The new well will be considered part of a public water system, and therefore must be reviewed and approved by the Division of Environmental Quality. Our review process is as follows:

1. The applicant's consultant must submit a thorough site evaluation for each well, addressing all items listed on the *Public Water System Well Site Evaluation checklist*, showing the location of potential sources of pollution. We will transmit a copy of the checklist to the applicant or consultant, on request. We will review the well site evaluations, conduct site inspections, and issue written site approvals, if warranted.
2. The applicant's consultant must provide this office with a drilling program and well specifications. The plans and specifications must be prepared by a registered professional engineer, and should be accompanied by DEQ's *General Checklist* and the appropriate section of the *Water System Checklist*, also available on request. We will conduct a joint review with IDWR, request revisions as required, and issue written approval. We request that no drilling permit be issued until we have had an opportunity to review the drilling program and well specifications.
3. The applicant's consultant must provide this office with detailed plans and specifications for the well house, piping and valves, and distribution system, along with the appropriate sections of the *Water System Checklist*. Plans must be prepared by an engineer registered in the State of Idaho.
4. The well lot must be deeded to the City of Emmett before approval can be given on the proposed well.

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FEB 18 1999

Gary Spackman
October 21, 1998
Page 2

Please call Jack Gantz at 373-0166 if you have questions regarding these comments, or via e-mail at jgantz@deq.state.id.us.

Sincerely,



Larry S. Peterson, P.E.
Regional Manager-Engineering

LSP/djb H:\DATA\PROJECTS\JMG\ENV\INFO.REQ\EMMETT.DWR

cc: Jack Gantz, DEQ-Boise Regional Office
 City of Emmett/Lowell Rosanbalm, 501 E Main, Emmett, ID 83617
 Source File #19, Reading File

MICROFILMED
FEB 18 1999

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

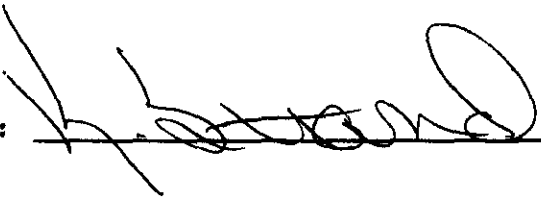
Receipt No: C043831

Date: 11/ 3/1998
Time: 13:42:06

Received
From: WERLE, H.F./MARSHA

Type of Payment	Program A cct	Amount
NOTICE OF PROTEST 65-13805	56103 229 21 1155	25.00
CHECK 6871		
	Total	\$ 25.00

Region: STATE

Signature: 

MICROFILMED

FEB 18 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 14, 1998

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

Re: Application for Permit No. 65-13805 in the Name of the City of Emmett

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 must be received in this office by November 9, 1998.

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

Sincerely,

Gary Spackman

GS:st

Encl.

MICROFILMED

FEB 18 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

OCTOBER 14, 1998

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 NOVEMBER 9, 1998.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICROFILMED

FEB 18 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

FEB 18 1999

65-13805

CITY OF EMMETT
LOWELL ROSANBALM
501 E MAIN
EMMETT, ID 83617

Source: GROUNDWATER

Diversion Pt: SWSWSW Sec 9 T 06N R 01W in GEM County.

Use: MUNICIPAL	(	4.460 CFS)
Total Diversion:	(	4.460 CFS)

Date Filed: 9/25/1998

00

Applicant agrees to mitigate consumptive use in the future as needed.
Place of use is within the city limits of Emmett.

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FEB 18 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 NOVEMBER 9, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 10/21/1998 & 10/28/1998

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FEB 18 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

10/2/1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

City of Emmett
501 E. Main
Emmett Id 83617

RECEIVED

OCT 07 1998

WATER RESOURCES
WESTERN REGION

RE: APPLICATION FOR PERMIT <INSERT # IF ISSUED>

Dear Applicant:

You have filed the above referenced application for permit to appropriate water for a consumptive use. If the appropriation is completed as described in the application, it may result in some reduction in flows in the Snake River. As you are undoubtedly aware, various actions are being taken throughout the Snake River and Columbia River Basins to protect endangered and threatened anadromous fish. These actions include the acquisition of water supplies to maintain or enhance streamflows during migration periods.

Federal funds are being used to obtain the rights to both natural flow and stored water to augment flows in order to meet flow targets in the Snake and Columbia Rivers. While the necessity and value of flow augmentation has not yet been established, the State of Idaho has cooperated with the other states in the Pacific Northwest and with federal agencies to allow limited flow augmentation on a trial basis while additional data are gathered to determine the most appropriate way to stabilize and enhance fish populations.

Under Idaho law, an application to appropriate water cannot be granted unless the six criteria listed in Section 42-203A, Idaho Code, are satisfied. One of these criterion is that the proposed use must be in the "local public interest" where the local public interest is defined as "the affairs of the people in the area directly affected by the proposed use." If granting an application to appropriate would reduce flows in the Snake River such that additional water would have to be secured from other sources for flow augmentation, it may be difficult to show that granting the application would be in the local public interest. As a result, the Idaho Department of Water Resources (IDWR) has delayed processing applications which, without mitigation, may deplete flows in the Snake River.

Proposed appropriations of water, such as that described in your application, may also have value with respect to the local public interest and should be given consideration, provided salmon recovery efforts would not be affected and the appropriation would not result in additional flow augmentation being required. Consequently, IDWR is processing applications to appropriate water when the applicant either:

- (1) can 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;

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FEB 18 1999

<APPLICATION #>

<DATE>

Page 2

- (2) proposes adequate mitigation (or make-up water) as part of the proposed appropriation to offset anticipated depletions to flows in the Snake River during periods of anadromous fish migration; or
- (3) agrees to provide mitigation as needed in the future if it is determined that not mitigating depletions caused by the applicant's appropriation would result in additional water being required from other sources to augment flows during migration periods of anadromous fish.

The purchase or rental of storage water, which can be used for flow augmentation, may be the most available form of mitigation that could be used for mitigation, should mitigation be necessary. Under alternative 3 above, mitigation is not required when the application is processed, but may be required in the future based upon a finding by IDWR that depletions to Snake River flows resulting from appropriations made under permits issued after January 1, 1998 have increased the amounts of water required from other sources to augment flows for migrating anadromous fish. This alternative would entail including the following condition of approval if the application for a permit to appropriate water is approved:

The Director retains jurisdiction over this permit and any subsequent license to require the right holder to provide purchased or leased water from natural flow or storage, or other mitigation acceptable to the Director, to offset depletion of Lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is 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 and any subsequent license.

For applications where one of the three conditions listed above is met, and the application is otherwise of proper form, IDWR will process the application. Alternatively, an applicant may choose to have IDWR continue to delay processing an application for permit until a later date. In that case, IDWR can hold your application pending changes in salmon recovery strategies, such as the potential elimination of flow augmentation requirements, and corresponding changes in IDWR policies. The priority date (seniority) of the proposed appropriation is protected for applications held because of IDWR policies. If you choose to have IDWR continue to hold your application at this time, you do not need to reply to this letter.

Please contact me if you have any questions about your application.

Sincerely,

Loi Gnauer
Sr. Water Agent

Enclosure

MICROFILMED

FEB 18 1999

RECEIVED

OCT 07 1998

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 EMMETT +/OR LOWELL ROSANBALM
Mailing Address 501 E. MAIN
EMMETT ID 83617
Application No. —
(if known)

 IN LOCAL PUBLIC INTEREST

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

 PROPOSE MITIGATION NOW

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

 X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature

Bruce Egan

Superintendent of
Public Works City of
Emmett

Date

10-5-98

Please return this form to:

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

MICROFILMED
FEB 18 1999

RECEIVED

OCT 07 1998

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

Mailing Address

Application No.
(if known)

62103

___ IN LOCAL PUBLIC INTEREST

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

___ PROPOSE MITIGATION NOW

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

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature

Dave Galt

Date

10-5-98

Please return this form to:

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

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

10/2/1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

City of Emmett
501 E. Main
Emmett Id 83617

RE: APPLICATION FOR PERMIT <INSERT # IF ISSUED>

Dear Applicant:

You have filed the above referenced application for permit to appropriate water for a consumptive use. If the appropriation is completed as described in the application, it may result in some reduction in flows in the Snake River. As you are undoubtedly aware, various actions are being taken throughout the Snake River and Columbia River Basins to protect endangered and threatened anadromous fish. These actions include the acquisition of water supplies to maintain or enhance streamflows during migration periods.

Federal funds are being used to obtain the rights to both natural flow and stored water to augment flows in order to meet flow targets in the Snake and Columbia Rivers. While the necessity and value of flow augmentation has not yet been established, the State of Idaho has cooperated with the other states in the Pacific Northwest and with federal agencies to allow limited flow augmentation on a trial basis while additional data are gathered to determine the most appropriate way to stabilize and enhance fish populations.

Under Idaho law, an application to appropriate water cannot be granted unless the six criteria listed in Section 42-203A, Idaho Code, are satisfied. One of these criterion is that the proposed use must be in the "local public interest" where the local public interest is defined as "the affairs of the people in the area directly affected by the proposed use." If granting an application to appropriate would reduce flows in the Snake River such that additional water would have to be secured from other sources for flow augmentation, it may be difficult to show that granting the application would be in the local public interest. As a result, the Idaho Department of Water Resources (IDWR) has delayed processing applications which, without mitigation, may deplete flows in the Snake River.

Proposed appropriations of water, such as that described in your application, may also have value with respect to the local public interest and should be given consideration, provided salmon recovery efforts would not be affected and the appropriation would not result in additional flow augmentation being required. Consequently, IDWR is processing applications to appropriate water when the applicant either:

- (1) can 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;

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<DATE>

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- (2) proposes adequate mitigation (or make-up water) as part of the proposed appropriation to offset anticipated depletions to flows in the Snake River during periods of anadromous fish migration; or
- (3) agrees to provide mitigation as needed in the future if it is determined that not mitigating depletions caused by the applicant's appropriation would result in additional water being required from other sources to augment flows during migration periods of anadromous fish.

The purchase or rental of storage water, which can be used for flow augmentation, may be the most available form of mitigation that could be used for mitigation, should mitigation be necessary. Under alternative 3 above, mitigation is not required when the application is processed, but may be required in the future based upon a finding by IDWR that depletions to Snake River flows resulting from appropriations made under permits issued after January 1, 1998 have increased the amounts of water required from other sources to augment flows for migrating anadromous fish. This alternative would entail including the following condition of approval if the application for a permit to appropriate water is approved:

The Director retains jurisdiction over this permit and any subsequent license to require the right holder to provide purchased or leased water from natural flow or storage, or other mitigation acceptable to the Director, to offset depletion of Lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is 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 and any subsequent license.

For applications where one of the three conditions listed above is met, and the application is otherwise of proper form, IDWR will process the application. Alternatively, an applicant may choose to have IDWR continue to delay processing an application for permit until a later date. In that case, IDWR can hold your application pending changes in salmon recovery strategies, such as the potential elimination of flow augmentation requirements, and corresponding changes in IDWR policies. The priority date (seniority) of the proposed appropriation is protected for applications held because of IDWR policies. If you choose to have IDWR continue to hold your application at this time, you do not need to reply to this letter.

Please contact me if you have any questions about your application.

Sincerely,

Loi Craven
Sr. Water Agent

Enclosure

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