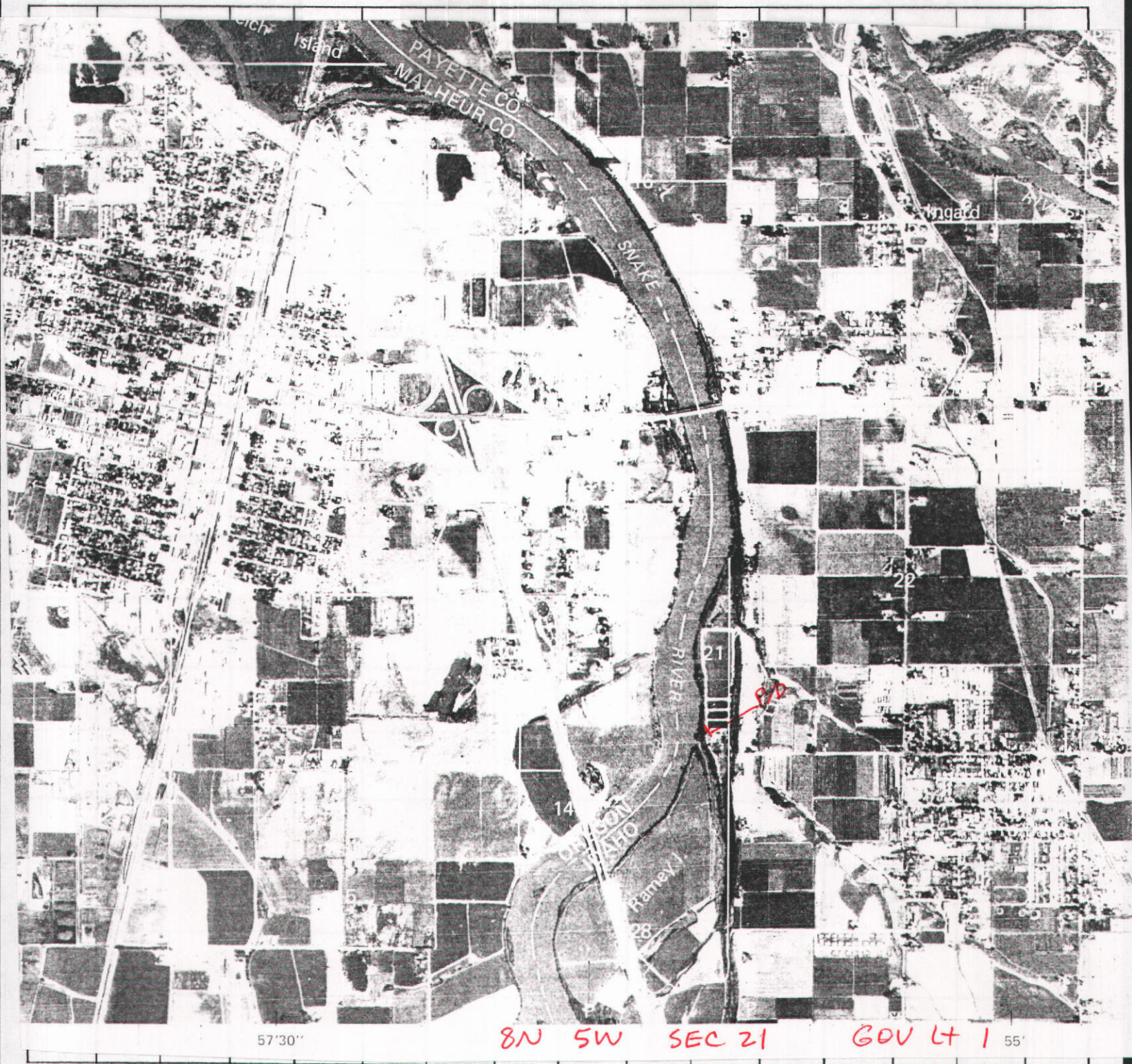


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



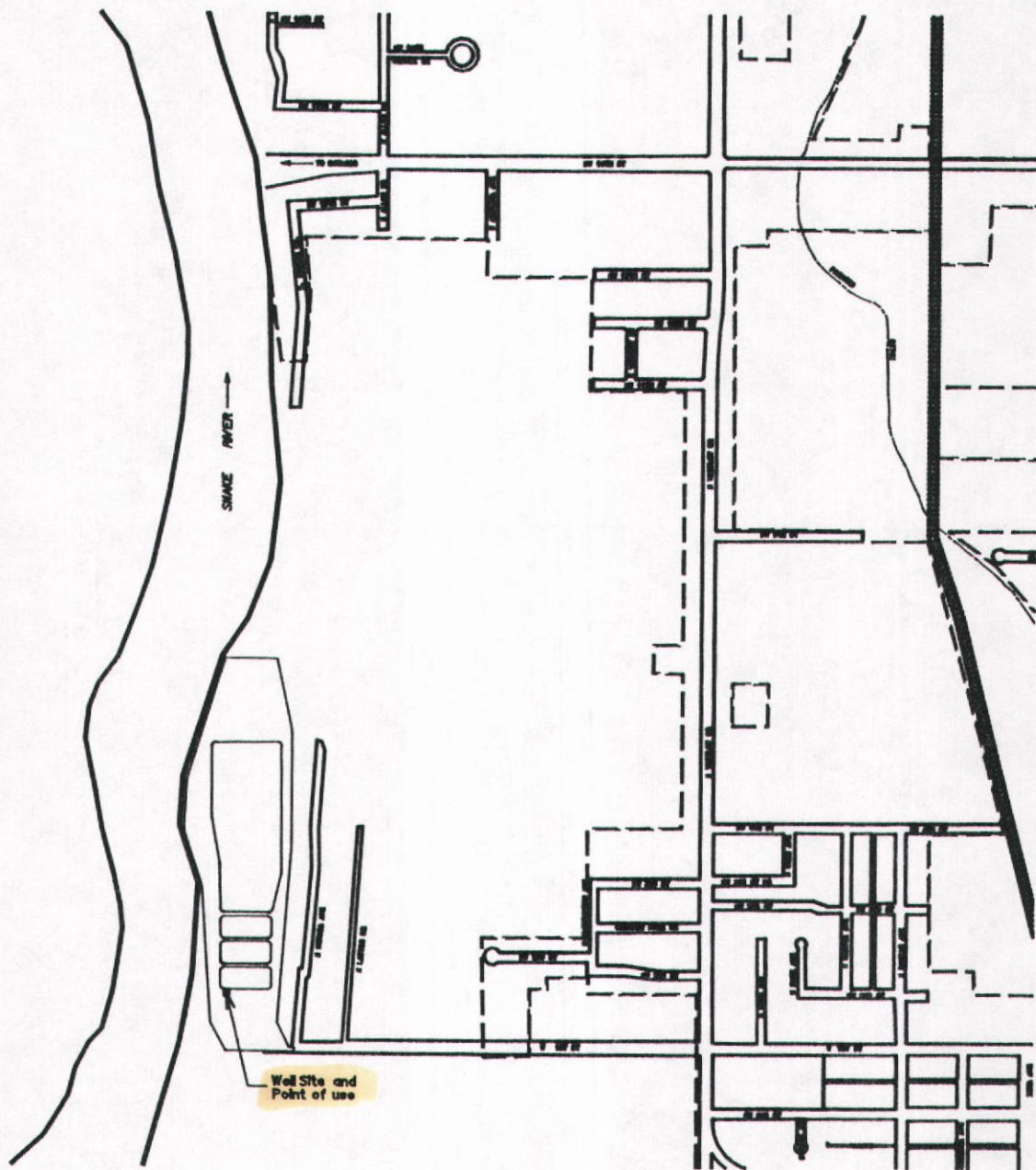
Scale: 2 inches equal 1 mile.

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

**RECEIVED**

FEB 04 1993

*Michael E. Holladay*  
(Applicant)  
*Civil Engineer*



CITY OF FRUITLAND  
VICINITY MAP  
SNAKE RIVER LAGOONS

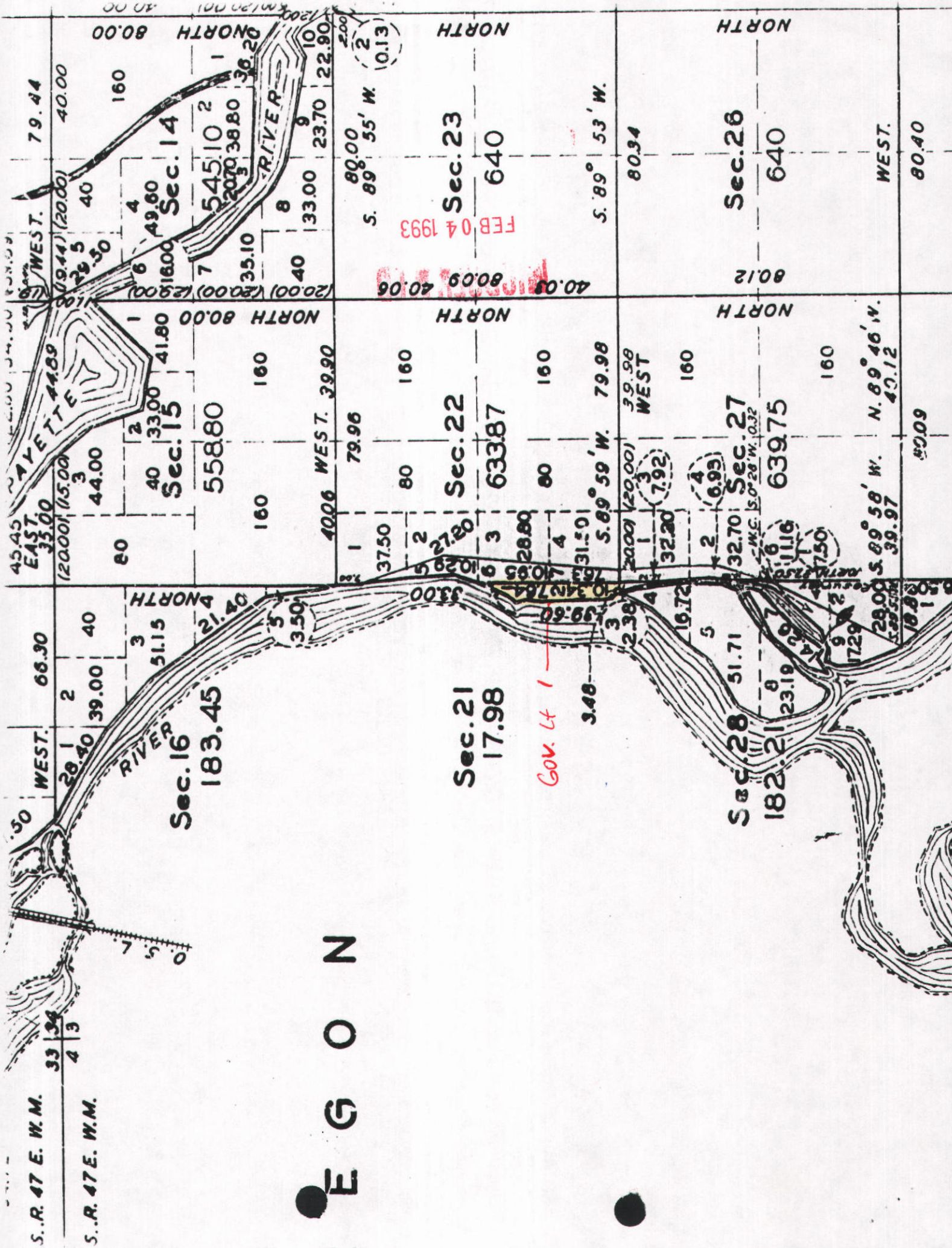
Project No. 021285c

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FEB 04 1993

S.R. 47 E. W.M.

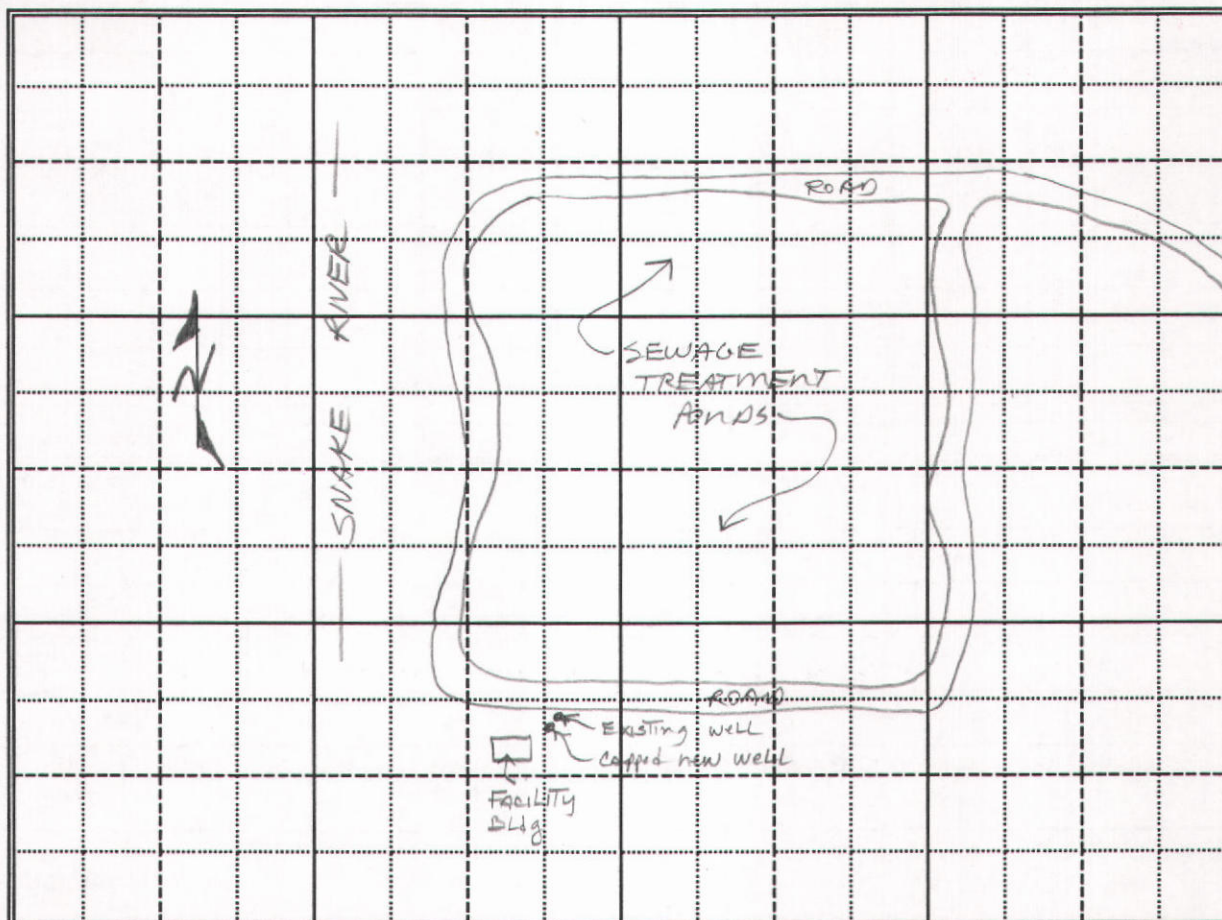
S.R. 47 E. W.M.



EGGON

FEB 04 1993

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = NTS

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

N/A Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp  | <sup>model</sup> Motor Serial No. | Pump Make | <sup>model</sup> Pump Serial No. or Discharge Size |
|---------------------------------------|------------|-----|-----------------------------------|-----------|----------------------------------------------------|
|                                       | Franklin   | 1/2 | 2801050110                        | Berkeley  | 10MG 07-D5                                         |
|                                       |            |     |                                   |           |                                                    |
|                                       |            |     |                                   |           |                                                    |

\*Code to correspond with No. on map and aerial photo

#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: None - Pressurized System

JUN 30 1994



PHOTO ONE-

View westerly of wells + utility Bldg. Located in southwest corner of sewage treatment plant.

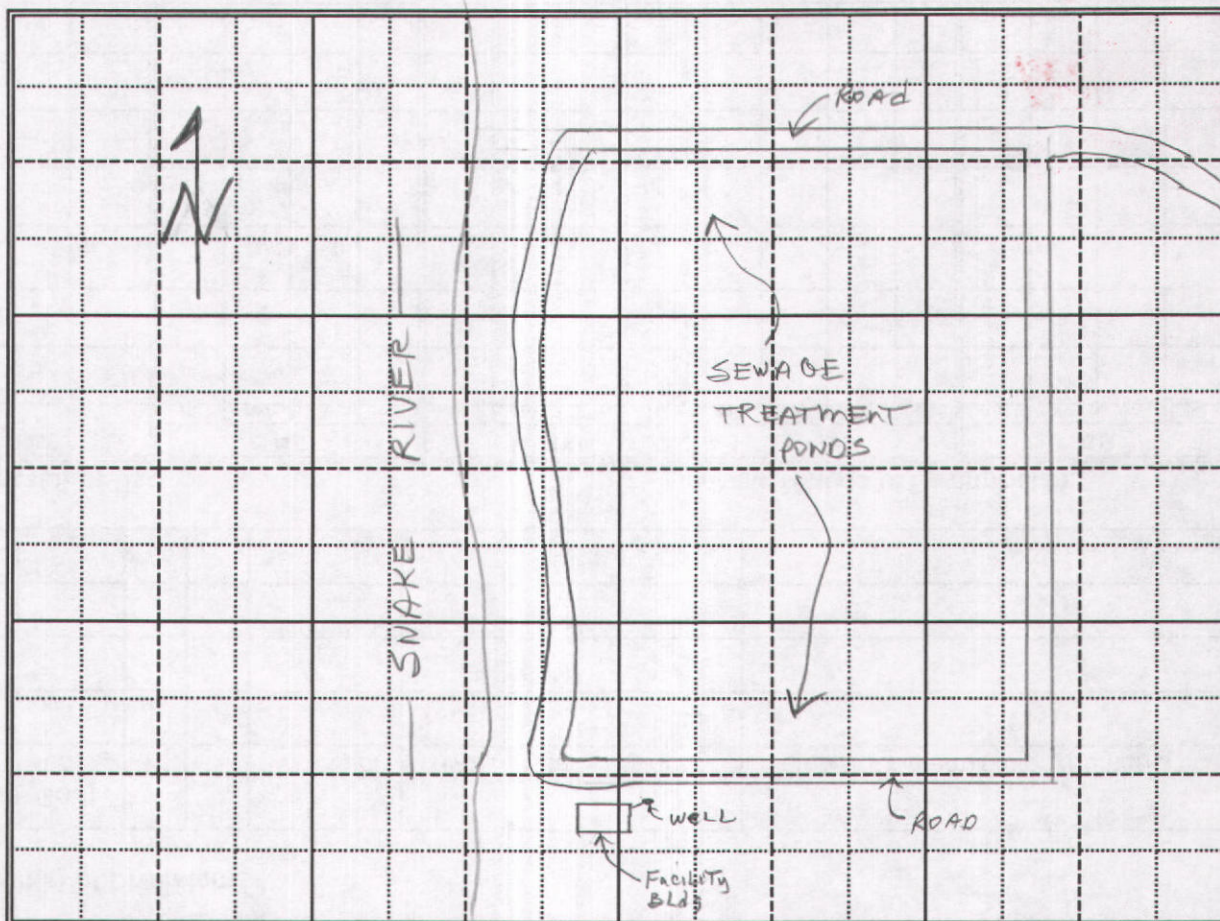


PHOTO TWO-

View northerly of existing well (with cap), and the well per this permit. New well not in operation.

30 1994

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = \_\_\_\_\_

\_\_\_\_ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

\_\_\_\_ Aerial Photo Attached (required for irrigation of 10+ acres)

\_\_\_\_ Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp  | Motor <sup>model</sup> Serial No. | Pump Make | Pump <sup>model</sup> Serial No. or Discharge Size |
|---------------------------------------|------------|-----|-----------------------------------|-----------|----------------------------------------------------|
|                                       | Franklin   | 1/2 | 2801050110                        | Berkley   | 10 MG 07-25                                        |
|                                       |            |     |                                   |           |                                                    |
|                                       |            |     |                                   |           |                                                    |

\*Code to correspond with No. on map and aerial photo

#### D. FLOW MEASUREMENTS

NONE - WELL NOT IN OPERATION

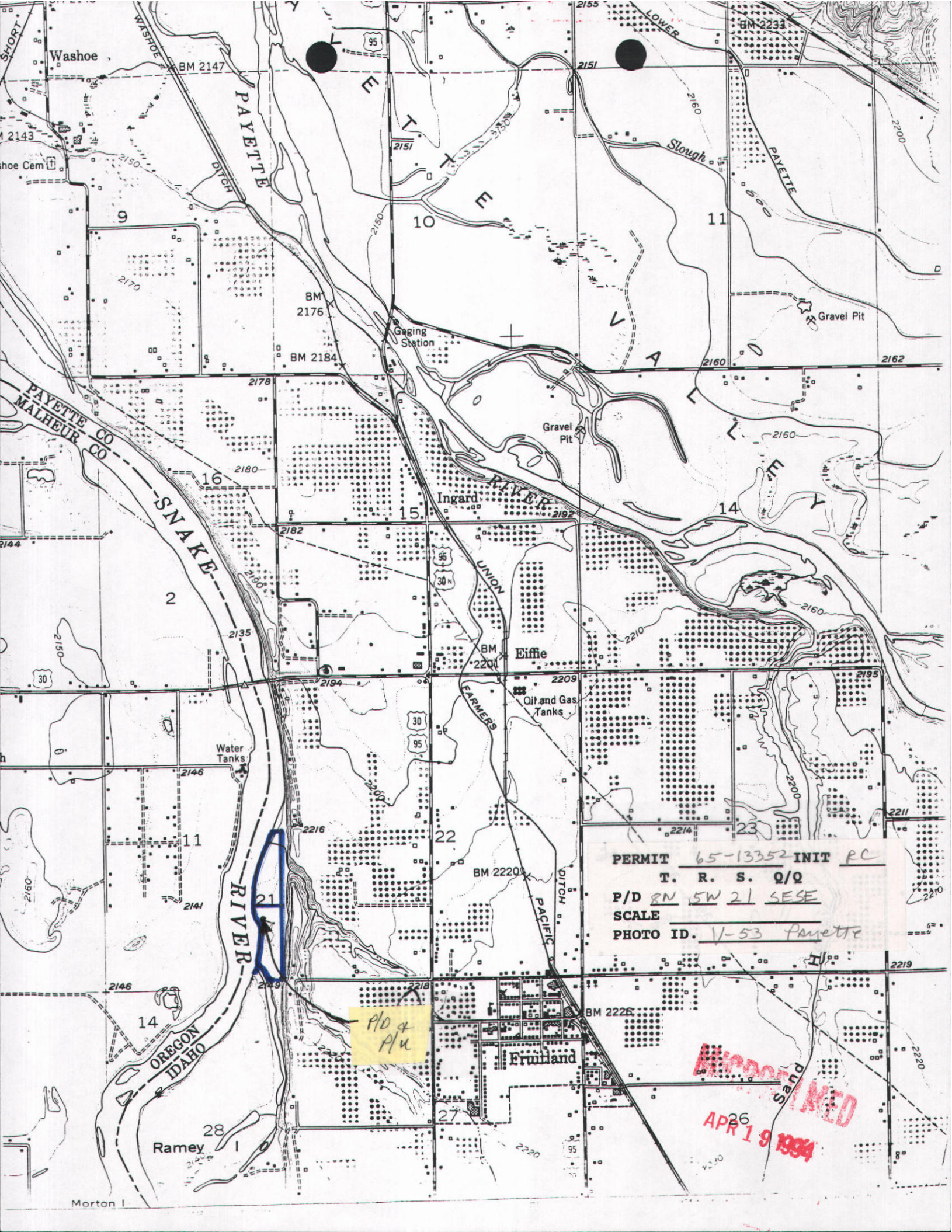
1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements:

NO MEASUREMENTS TAKEN. WELL IS NOT IN OPERATION.

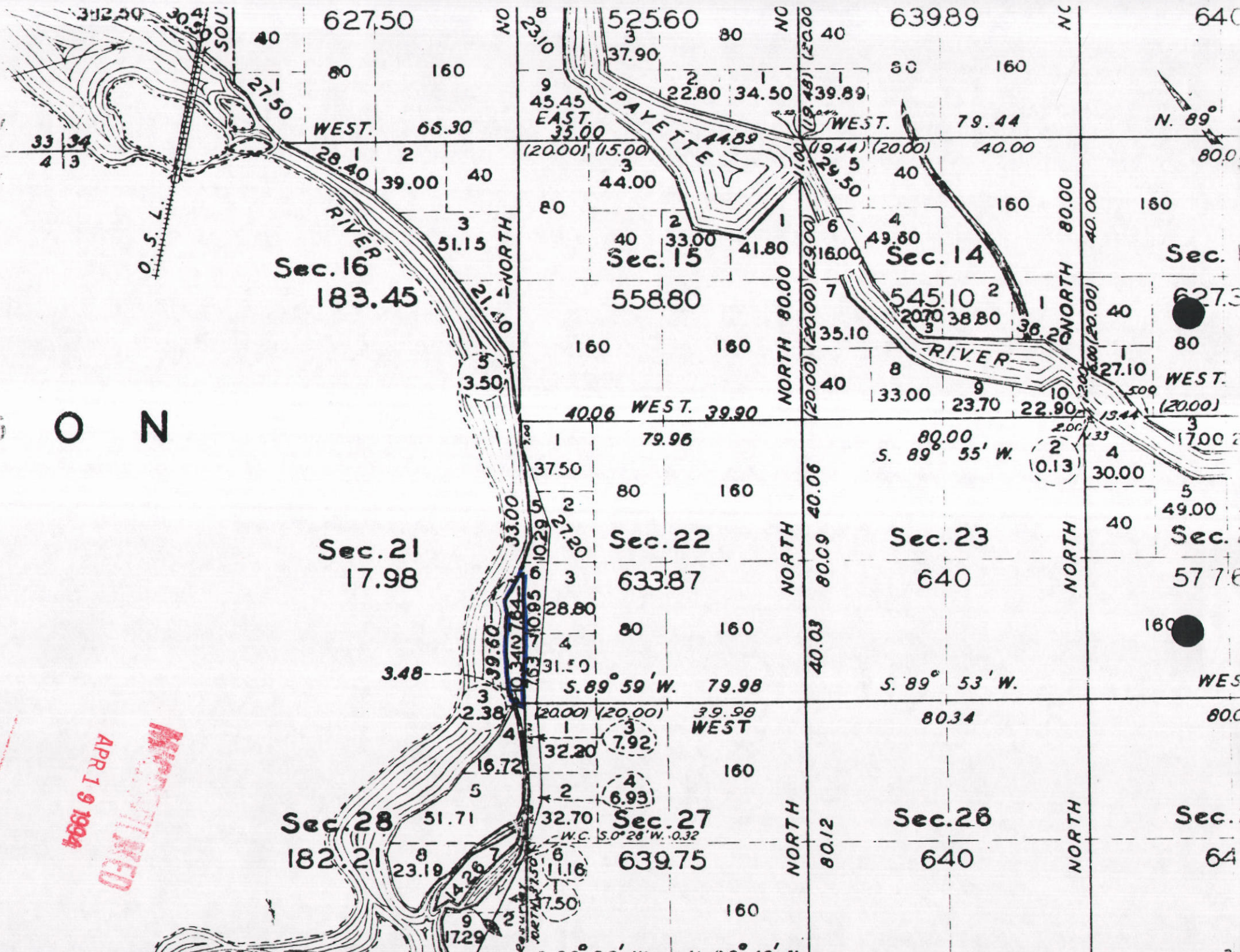
RECEIVED  
APR 19 1994



PERMIT 65-13352 INIT RC  
T. R. S. Q/Q  
P/D RN 5W 21 SESE  
SCALE \_\_\_\_\_  
PHOTO ID. V-53 Payette

P/O & P/u

APR 26 1994  
SAND



APR 19 1994  
RECEIVED

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 65-13352

Priority: November 22, 1991

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

0.6 AF

This is to certify, that CITY OF FRUITLAND

PO BOX 324

FRUITLAND ID 83619

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 22, 1991; and has submitted Proof of Beneficial Use on December 15, 1992. An examination indicates that the works have a diversion capacity of .030 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| INDUSTRIAL            | 01/01 to 12/31       | 0.02 CFS                 | 0.6 AF               |

LOCATION OF POINT(S) OF DIVERSION: Lot 1(SESESE), Sec. 21, Township 08N, Range 05W  
PAYETTE County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

08N 05W 21 Lot 1(SESE)

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Industrial use is for cleanup and washdown of equipment and emergency washdown at a wastewater treatment facility.
6. Place of use known as the Snake River Wastewater Treatment Facilities.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 9<sup>th</sup> day of MAY, 1994.

Acting for  R. Keith Higginson, Director

JUN 30 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. )  
65-13352 IN THE NAME OF THE )  
CITY OF FRUITLAND )  
\_\_\_\_\_ )

**ORDER**

This matter having come before the Idaho Department of Water Resources (department), as a result of the permit holder's response to a Preliminary Order Voiding Permit, the department makes the following Findings of Fact, Conclusions of Law and Order:

**FINDINGS OF FACT**

1. On December 14, 1992, the department issued Permit No. 65-13352 to the City of Fruitland (permit holder) authorizing the diversion of 0.02 cubic feet per second of ground water from a point within the SE1/4SE1/4 (Lot 1) Section 21, T8N, R5W, BM to be used year round for industrial purposes.

2. On December 15, 1992, the permit holder filed proof of beneficial use of water with the department.

3. During the department's examination of the permitted use, the department found that water was not being diverted from the well which was drilled for the authorized use.

4. On February 22, 1994, the department issued a Preliminary Order Voiding Permit No. 65-13352.

5. On February 24, 1994, the permit holder filed a Petition for Reconsideration with the department stating that an adjacent ground water source which had been excavated with a backhoe was being used to provide the water authorized in the permit. For this reason, the permit holder requested the department change the source from the well to the ground water excavation and rescind the Preliminary Order Voiding Permit.

**CONCLUSIONS OF LAW**

1. Water diverted from either the drilled well or from the excavation adjacent to the well is considered ground water.

2. The location of either point of diversion is within the forty acre tract authorized for the point of diversion.

3. The permit holder has shown good cause why the preliminary order should be rescinded and why the permit should be reinstated.

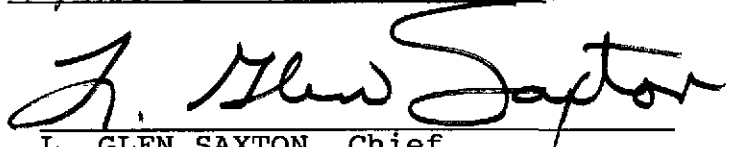
4. The department should rescind the order dated February 22, 1994 which voided the permit and should reinstate the permit.

**ORDER**

IT IS THEREFORE, HEREBY ORDERED that the Preliminary Order Voiding Permit issued by the department on February 22, 1994 is **RESCINDED**; and

IT IS FURTHER, HEREBY ORDERED that Permit No. 65-13352 is **REINSTATED**.

Dated this 7<sup>TH</sup> day of March, 1994.

  
L. GLEN SAXTON, Chief  
Water Allocation Bureau

APR 19 1994

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

|                          |   |                           |
|--------------------------|---|---------------------------|
| IN THE MATTER OF PERMIT  | ) |                           |
|                          | ) |                           |
| NO. 65-13352 IN THE NAME | ) | PRELIMINARY ORDER VOIDING |
|                          | ) | PERMIT                    |
| OF CITY OF FRUITLAND     | ) |                           |
| <hr/>                    |   |                           |

This matter having come before the Department of Water Resources (Department) as a result of an examination by Department staff to determine the extent of beneficial use of water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On November 22, 1991, The City of Fruitland applied to the Department of Water Resources for a permit to appropriate 0.02 cubic feet per second of water from groundwater within Lot 1, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 21, Township 08N, Range 05W, B.M., Payette County, to be used for industrial purposes.

2. On December 14, 1992, the Department approved the Application for Permit.

3. On December 15, 1992, the Department received Proof of Beneficial Use for the permit.

APR 19 1994

4. On May 25, 1993, a Department staff member conducted a field examination and the examiner's report indicated that water had not been diverted and put to a beneficial use as authorized on the permit.

5. The provisions of Section 42-219, Idaho Code, authorize the Director of the Department to void permits for which the applicant has not fully complied with the law and the conditions of the permit.

#### CONCLUSIONS OF LAW

1. Section 42-219, Idaho Code, states:

In the event that the Department shall find that the applicant has not fully complied with the law and the conditions of the permit, it may issue a license for that portion of use which is in accordance with the permit, or may refuse issuance of a license and void the permit.

2. Permit No. 65-13352 required that the permit holder complete construction of works and application of water from the source identified to the proposed beneficial use within the authorized permit period.

3. Examination by the Department revealed that the permit holder has not complied with the conditions of the permit by not completing construction of works and application of water from the identified source to the proposed beneficial use as required by the permit and Section 42-219, Idaho Code.

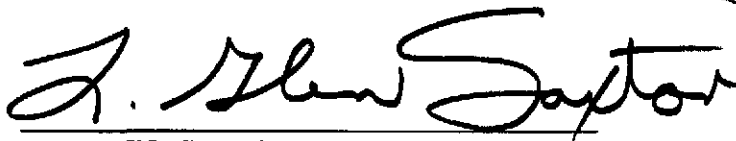
APR 19 1994

4. The permit should be voided pursuant to Section 42-219, Idaho Code.

ORDER

IT IS HEREBY ORDERED that Permit No. 65-13352 is VOIDED and issuance of a license is REFUSED under Section 42-219, Idaho Code.

Dated this 22<sup>nd</sup> day of February, 1994.



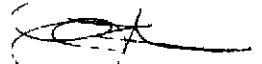
L. GLEN SAXTON  
Chief, Water Allocation Bureau

APR 19 1994

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 24th day of February, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing Preliminary Order to the following:

City of Fruitland  
PO Box 324  
Fruitland, ID 83619



---

Donna L. Corless  
Clerical Specialist

APR 19 1994

RECEIVED

DEC 15 1992

Department of Water Resources

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as 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 user(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 63-13352 Telephone No. (208) 452-4421

Name(s) of Permit Holder(s) City of Fruitland

Post Office Address: P.O. Box 324 Fruitland, Idaho 83619

Source of Water: Ground Water

If ground water, well driller's name Bill Doty Drilling Co., Inc. Date drilled November 25, 1991

Extent of Use  
Domestic \_\_\_\_\_ (No. of households) Irrigation \_\_\_\_\_ (No. of acres)  
Stockwater \_\_\_\_\_ (No. and type of stock) Other WasteWater Treatment Plant  
Operations.

Total rate and/or volume for which proof is submitted 0.02 cfs \_\_\_\_\_ acre/feet

Show date water was first diverted and beneficially used under this permit December 11, 1992

One of the following may be a condition of approval of your permit:

Measuring device Required? ☒ Yes ☐ No Installed? ☐ Yes ☒ No Will be installed at time of inspection.

OR

Flow Measurement Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No

Fee Enclosed \$ N/A (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination

Jerry Campbell  
Name

(208) 452-4421  
Telephone No

Fruitland City Hall 200 S. Whitley  
Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho

12-15-92  
Date

Rick S. Watkinson City Clerk  
Signature (and title if on behalf of a company or organization)

FEB 04 1993

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 65-13352

Proposed Priority: November 22, 1991 Maximum Diversion Rate: 0.02 CFS

This is to certify, that CITY OF FRUITLAND  
PO BOX 324  
FRUITLAND ID 83619

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> |
|-----------------------|----------------------|--------------------------|
| INDUSTRIAL            | 01/01 to 12/31       | 0.02 CFS                 |

LOCATION OF POINT(S) OF DIVERSION: Lot 1(SESESE), Sec. 21, Township 08N, Range 05W  
PAYETTE County

PLACE OF USE: INDUSTRIAL  
TWN RGE SEC

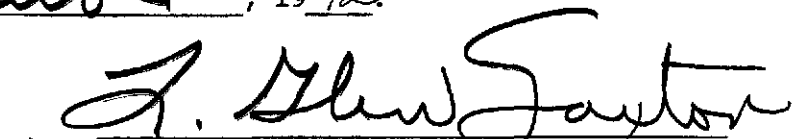
08N 05W 21 Lot 1(NESE) Lot 1(SESE)

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1993.
2. Subject to all prior water rights.
3. Industrial use is for cleanup and washdown of equipment and emergency washdown at a wastewater treatment facility.
4. Place of use known as the Snake River Wastewater Treatment Facilities.

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

14<sup>th</sup> day of December, 1992.

  
for R. Keith Higginson, Director

**RECORDED**

FEB 04 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

|                                     |                      |
|-------------------------------------|----------------------|
| IN THE MATTER OF APPLICATIONS FOR ) | FINAL ORDER ADOPTING |
| PERMIT NOS. 65-13351 AND 65-13352 ) | PROPOSED MEMORANDUM  |
| IN THE NAME OF CITY OF FRUITLAND )  | DECISION AND ORDER   |
| _____ )                             |                      |

WHEREAS, R. Keith Higginson, Director of the Department of Water Resources, sent a copy of the Proposed Memorandum Decision and Order addressing the above captioned matter to the parties of record on November 20, 1992, pursuant to Section 67-5211, Idaho Code; and,

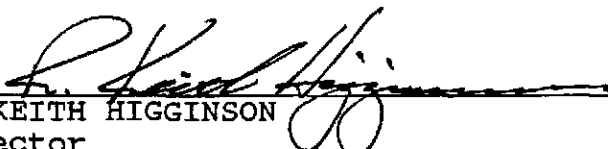
WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exception to that Proposed Memorandum Decision and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order, and Applications for Permit Nos. 65-13351 and 65-13352 are APPROVED.

IT IS FURTHER ORDERED that proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1993

Dated this 14th day of December, 1992.

  
\_\_\_\_\_  
R. KEITH HIGGINSON  
Director

RECEIVED

04 1993

CERTIFICATE OF MAILING

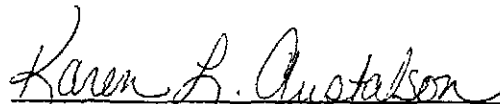
I HEREBY CERTIFY that on this 14th day of December, 1992, I mailed a true and correct copy, postage prepaid, of the foregoing Final Order Adopting the Proposed Memorandum Decision to the following:

City of Fruitland  
PO Box 324  
Fruitland, ID 83619

Student Loan Fund of Idaho  
PO Box 730  
Fruitland, ID 83619

James D Carlson  
Hamlin & Sasser PA  
PO Box 1525  
Boise, ID 83701

Michael E Holladay  
Holladay Engineering  
1431 Hwy 95  
Payette, ID 83661

  
Karen L. Gustafson  
Secretary/Records Manager

FEB 04 1993

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

|                                        |                     |
|----------------------------------------|---------------------|
| IN THE MATTER OF APPLICATIONS FOR )    | ORDER ISSUING       |
| PERMIT NOS. 65-13351 AND 65-13352 IN ) | PROPOSED MEMORANDUM |
| THE NAME OF CITY OF FRUITLAND )        | DECISION            |

R. Keith Higginson, Director of the Department of Water Resources, Having reviewed the attached proposed decision prepared by this appointee, L. Glen Saxton, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Section 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Section 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.  
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.  
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

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FEB 04 1993

III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Section 42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATE OF SERVICE

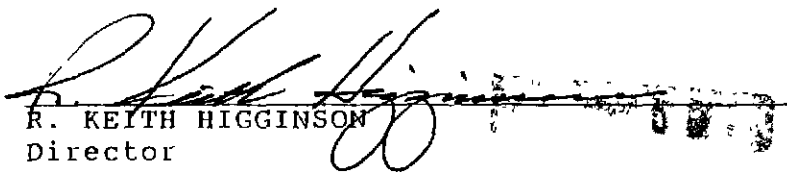
All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 20th day of November, 1992.

  
R. KEITH HIGGINSON  
Director

FEB 04 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR )  
PERMIT NOS. 65-13351 AND 65-13352 )

SOURCE: GROUNDWATER

City of Fruitland,

Applicant,

Student Loan Fund of Idaho, Inc.

Protestant.

COUNTY: PAYETTE

PROPOSED MEMORANDUM DECISION AND ORDER  
APPROVING APPLICATIONS FOR PERMIT

BY HEARING OFFICER L. GLEN SAXTON

The City of Fruitland, having filed with the Department of Water Resources Applications for Permit Nos. 65-13351 and 65-13352; a protest having been received; and a conference and a hearing having been held; the Department finds, concludes and orders as follows:

**FINDINGS OF FACT**

1. On November 22, 1991, the City of Fruitland (hereinafter applicant) filed with the Department of Water Resources two applications for permit to appropriate water. Application No. 65-13351 proposes a diversion of 0.04 cubic feet per second (cfs) of ground water for industrial use at the Payette River Wastewater Treatment Facility, located in Lot 8 (SE1/4 NW1/4 SW1/4), Section 10, Twp. 8 N, Rge. 5 W, B.M. Application No. 65-13352 proposes a diversion of 0.02 cfs of ground water for industrial use at the Snake River Wastewater Treatment Facility,

FEB 04 1993

located in Lot 1 (SE1/4 SE1/4 SE1/4), Section 21, Twp. 8 N, Rge. 5 W, B.M.

2. Notice of the applications was published in the Independent-Enterprise on December 18 and 23, 1991.

3. On January 3, 1992, the Department received a protest against approval of the applications from Student Loan Fund of Idaho, Inc. Subsequent correspondence failed to result in a resolution of the protest.

4. The Department conducted a conference regarding the applications for permit on April 15, 1992. At the conference, City of Fruitland Clerk Rick Watkins provided data regarding the wells at the two wastewater treatment plants, and departed. The protestant was represented by James Carlson, Attorney at Law, who discussed the issues relative to new applications for permit, and indicated that he would visit the sites of the wells and would advise the Department of the protestant's intentions. The protestant ultimately requested the Department to conduct a hearing in this matter.

5. On September 9, 1992, the Department conducted a hearing regarding both applications. the applicant was represented by Mr. Watkins. The protestant was represented by Mr. Carlson. The protestants raised objections to the proposed use alleging that:

(a) the proposed use would reduce the quantity of water under existing water rights; and,

(b) the diversion would conflict with the local public interest; and,

FEB 04 1993

(c) the proposed diversion would be contrary to the principles of conservation of water within the State of Idaho.

6. The applicant testified that the diversions identified in the applications are presently installed and operational. Records in the file demonstrate that the City of Fruitland is responsible to operate and maintain the Snake River and Payette River wastewater treatment plants.

7. The applicant testified that the purposes of the well at the Snake River facility are washdown of the building, cleanup of equipment, and emergency first-aid rinse. He further testified that the purposes of the two wells at the Payette River facility are operation of polymer additive equipment, operation of a restroom, emergency rinse of personnel, and cleanup of equipment.

8. The applicant testified that operation of the wells is essential for operation of the wastewater treatment plants.

9. Except for the small amount of evaporation of water used in equipment cleanup, all uses specified are essentially non-consumptive.

10. Well Driller's logs for the three wells indicate that the wells are completed in the surface alluvium, with static water levels of 10 feet. This indicates that the wells are directly hydraulically connected to the rivers they adjoin.

11. Water pumped from the three wells flows into the treatment facilities and thence into the rivers they adjoin.

12. Based on typical hydraulic properties of alluvium next to rivers, and on the low rate of flow pumped by the wells, it is likely that pumpage of the wells would not cause significant

FEB 04 1993

change in the water table outside a radius of 100 feet at either of the wells.

13. The protestant's well is located about 2 miles to the south of the Snake River wastewater treatment plant, and about 4 miles to the south of the Payette River wastewater treatment plant.

14. The protestant has objected to the sufficiency of public notice for Application for Permit No. 65-13351, in that the notice did not identify two points of diversion.

15. The protestant has suggested that the doctrine of conservation of water resources would dictate that surface water should be re-used instead of utilizing relatively clean ground water for the purposes identified in the applications.

#### CONCLUSIONS OF LAW

##### Applicable Legal Principles

1. Idaho Code, Sec. 42-203A(5), states in part as follows:

The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the department that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people directly affected by the proposed use, or (f) that it is contrary to the conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant

a permit upon conditions.

2. Idaho Code, Sec. 42-226, states in part as follows:

The traditional policy of the State of Idaho, requiring the water resources of this state to be devoted to beneficial use in reasonable amounts through appropriation, is affirmed with respect to the ground water resources of this state as said term is hereinafter defined and, while the doctrine of "first in time is first in right" is recognized, a reasonable exercise of this right shall not block full economic development of the underground water resources.

3. Consideration of the local public interest criterion of Idaho Code, Sec. 42-203A(5) is defined by the department Water Appropriation Rules and Regulations, Rule 5,1,5, to include:

... the effect the project will have on the economy of the local area affected by the proposed use as determined by the employment opportunities, both long and short term, revenue changes to various sectors of the economy, short and long term, and the stability of revenue and employment gains; the effect the project will have on recreation, fish and wildlife resources in the local public area affected by the proposed use; and compliance with applicable air, water and hazardous substance standards, and compliance with planning and zoning ordinances of local or state government jurisdictions.

#### Application of Legal Principles

4. There appears to be sufficient water available in the ground water aquifer to satisfy additional non-consumptive demands, including those proposed by these applications.

5. The limited nature of the proposed use under these applications eliminates, as a practical matter, impact on other water rights.

6. While in some situations the magnitude of a water appropriation may suggest a need for advertisement of multiple points of diversion, in this particular situation the limited amount of diversion from each of the wells, and the close mutual

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proximity obviates the need for additional public notice to identify two wells.

7. Both applications describe uses that are in the public interest, as they enhance the utilization of the wastewater treatment facilities, with no appreciable impact on other water rights or water uses.

8. Due to the hydraulic interconnection between surface water in the river next to the wastewater treatment plants, and ground water in the wells identified in these applications, there is no appreciable difference in which source is utilized by the applicant, with respect to impact on other water users. The protestant has suggested that the waste treatment plant effluent should be used by the applicant for the purposes described in the application, because the ground water is likely of higher quality and it should be conserved for other uses. The applicant has indicated that it is more convenient to use water from the wells, which is always available, than treated effluent, which is intermittently available. The principle of conservation of water resources within the State of Idaho does not require that the lowest acceptable quality must be used when there is a choice of sources.

#### ORDER

IT IS, THEREFORE, ORDERED that Applications for Permit Nos. 65-13351 and 65-13352 are hereby APPROVED, subject to following conditions:

1. These water rights are subject to all prior water rights.

FEB 04 1966

2. Water right no. 65-13351 has two points of diversion.

3. Proof of construction of works and application of water to beneficial use shall be submitted on or before the date indicated on the final order.

Dated this 20th day of November, 1992.

  
L. GLEN SAXTON, Hearing officer

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 20th day of November, 1992, I mailed a true and correct copy, postage prepaid, of the foregoing Proposed Memorandum Decision and Order and Order Issuing the Proposed Memorandum Decision and Order to the following:

City of Fruitland

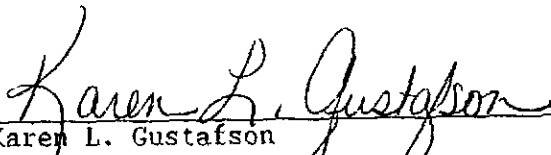
PO Box 324  
Fruitland, ID 83619

Student Loan Fund of Idaho

PO Box 730  
Fruitland, ID 83619

James D Carlson  
Hamlin & Sasser PA  
PO Box 1525  
Boise, ID 83701

Michael E Holladay  
Holladay Engineering  
1431 Hwy 95  
Payette, ID 83661

  
Karen L. Gustafson  
Secretary/Records Manager

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Form 6, 85

Department of Water Resources  
Western Regional Office

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

Ident No 65-13352

To appropriate the public waters of the State of Idaho

1 Name of applicant City of Fruitland (1) Phone 452-4421  
Post office address P.O. Box 324, Fruitland, Idaho 83619

2 Source of water supply Shallow Groundwater which is a tributary of N/A

3 Location of point of diversion is SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , Govt Lot 1  
Sec 21 Township 8N Range 5W B M Payette County; additional  
points of diversion if any: \_\_\_\_\_

4 Water will be used for the following purposes:

Amount 0.02 cfs for INDUSTRIAL Wastewater Treatment Facility purposes from 1-1 to 12-31 (both dates inclusive)  
(cfs or acre feet per annum)

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

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

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

5 Total quantity to be appropriated is (a) 0.02 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum

6 Proposed diverting works

a Description of ditches, flumes, pumps, headgates, etc. Submersible Pump

b Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet, period of year when water will be diverted to storage  
\_\_\_\_\_ to \_\_\_\_\_ inclusive

c Proposed well diameter is 6 inches; proposed depth of well is 40 feet.

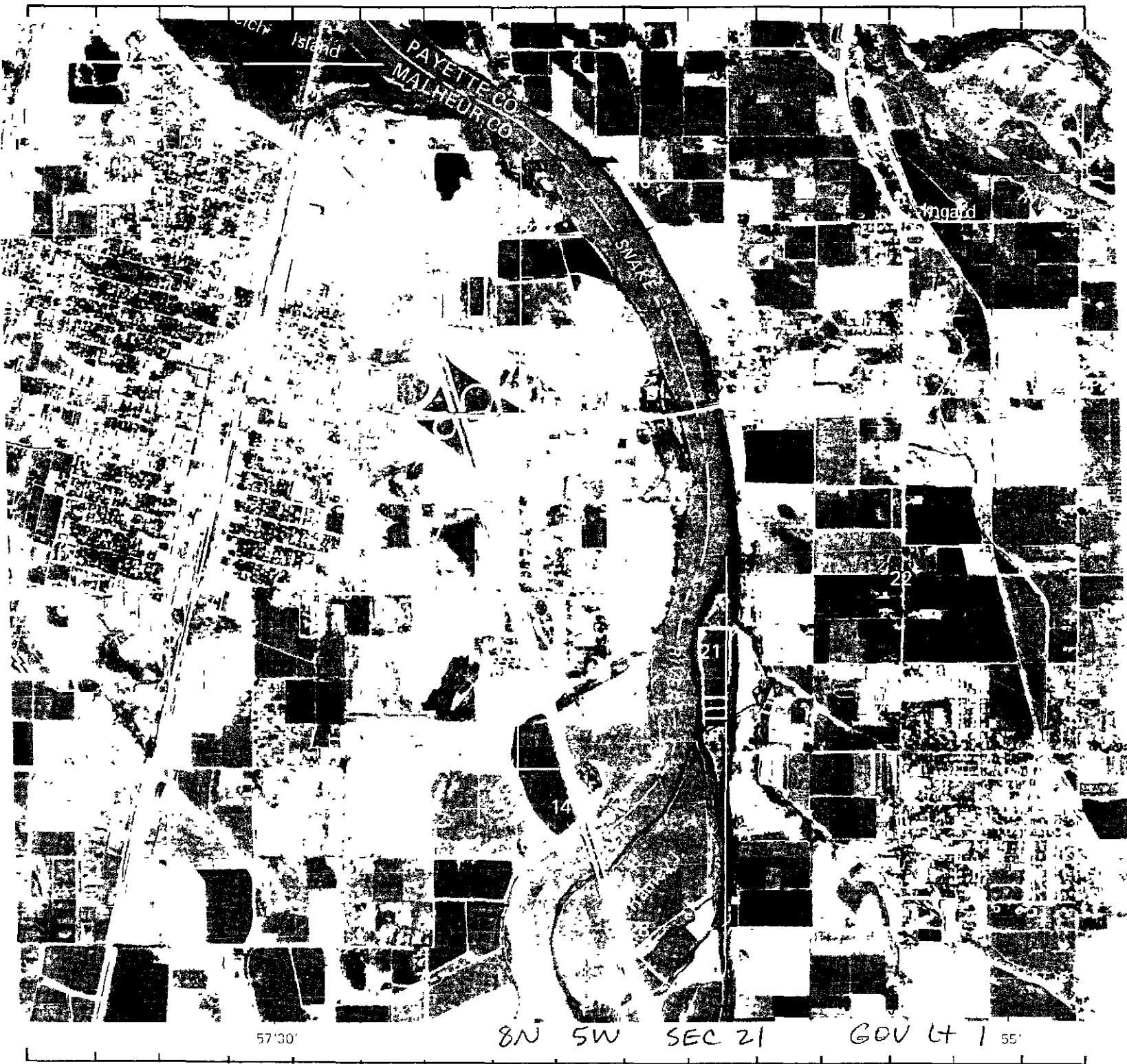
d Is ground water with a temperature of greater than 90°F being sought? No

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

(1) Snake River Wastewater Treatment Facilities

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13 Map of proposed project show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale 2 inches equal 1 mile

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

FEB 04 1993

*Michael E. Holladay*  
(Applicant)  
*Civil Engineer*

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

a Hydropower, show total feet of head and proposed capacity in KW \_\_\_\_\_

b Stockwatering, list number and kind of livestock \_\_\_\_\_

c Municipal, show name of municipality \_\_\_\_\_

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

e Other; describe fully. For use at wastewater treatment facility, major use will be  
cleanup and wash down of equipment and emergency washdown for employees

- 9 Description of place of use:

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

b If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols. (1) See Above

[illegible]

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. None

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

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

12. Remarks: Drilling permit 65-91-W-154 FEB 04 1993

Industrial use is for cleanup and wash down of equipment and emergency wash down for employees at waste water treatment facility.

Received by CH Date 12-22-91 Time 1100 Preliminary check by lw  
Fee \$ 30<sup>00</sup> Receipted by J.L.L. # W0013910 Date 11-22-91  
Publication prepared by GG Date 12-11-1991 Published in Independent Enterprise  
12/19 & 12/26/91  
Publication approved st Date 1-28-92

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. \_\_\_\_\_, and said application is hereby \_\_\_\_\_.

1 Approval of said application is subject to the following limitations and conditions.

a SUBJECT TO ALL PRIOR WATER RIGHTS

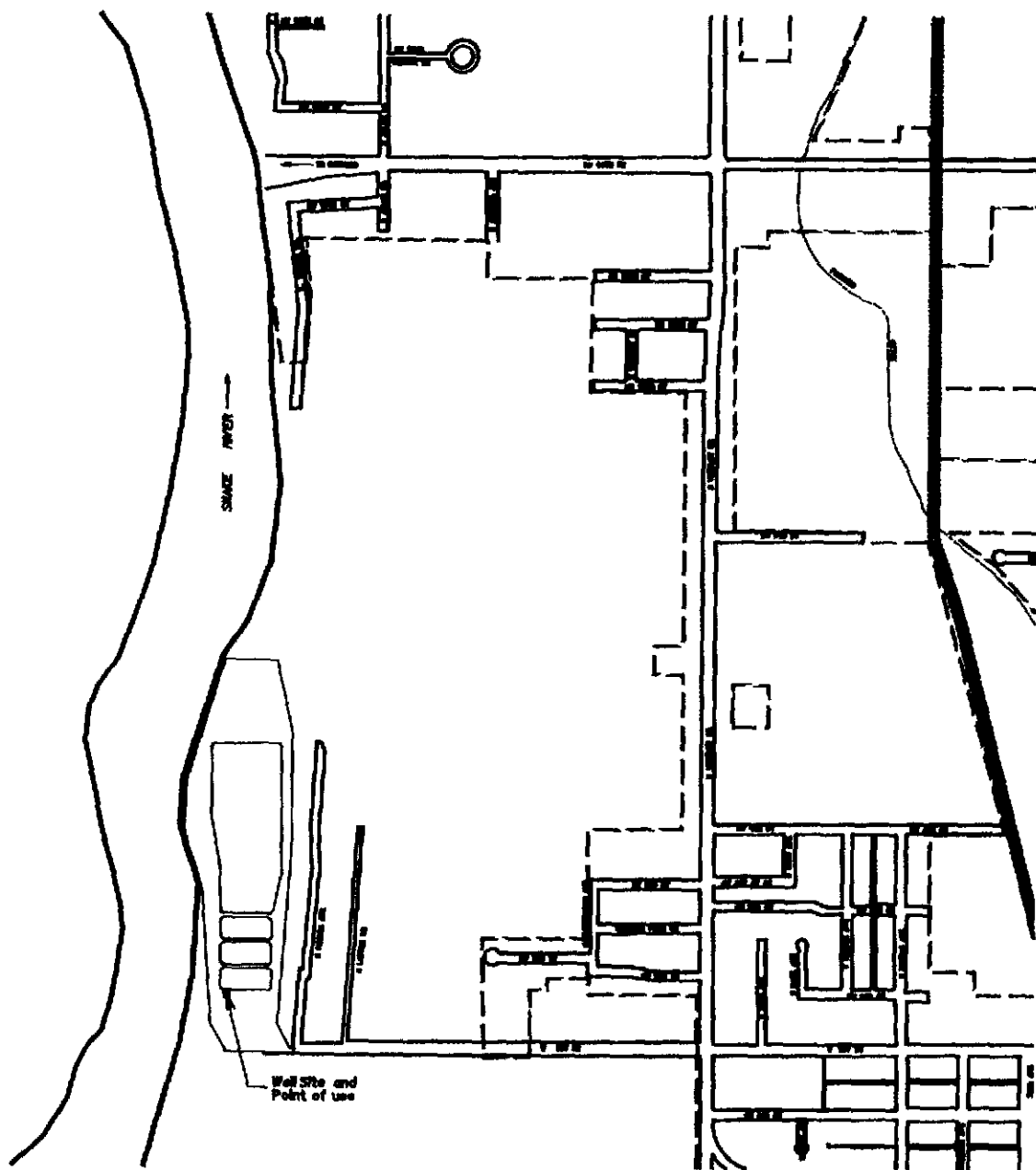
b Proof of construction of works and application of water to beneficial use shall be submitted on or before \_\_\_\_\_, 19 \_\_\_\_.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit

e. Other.

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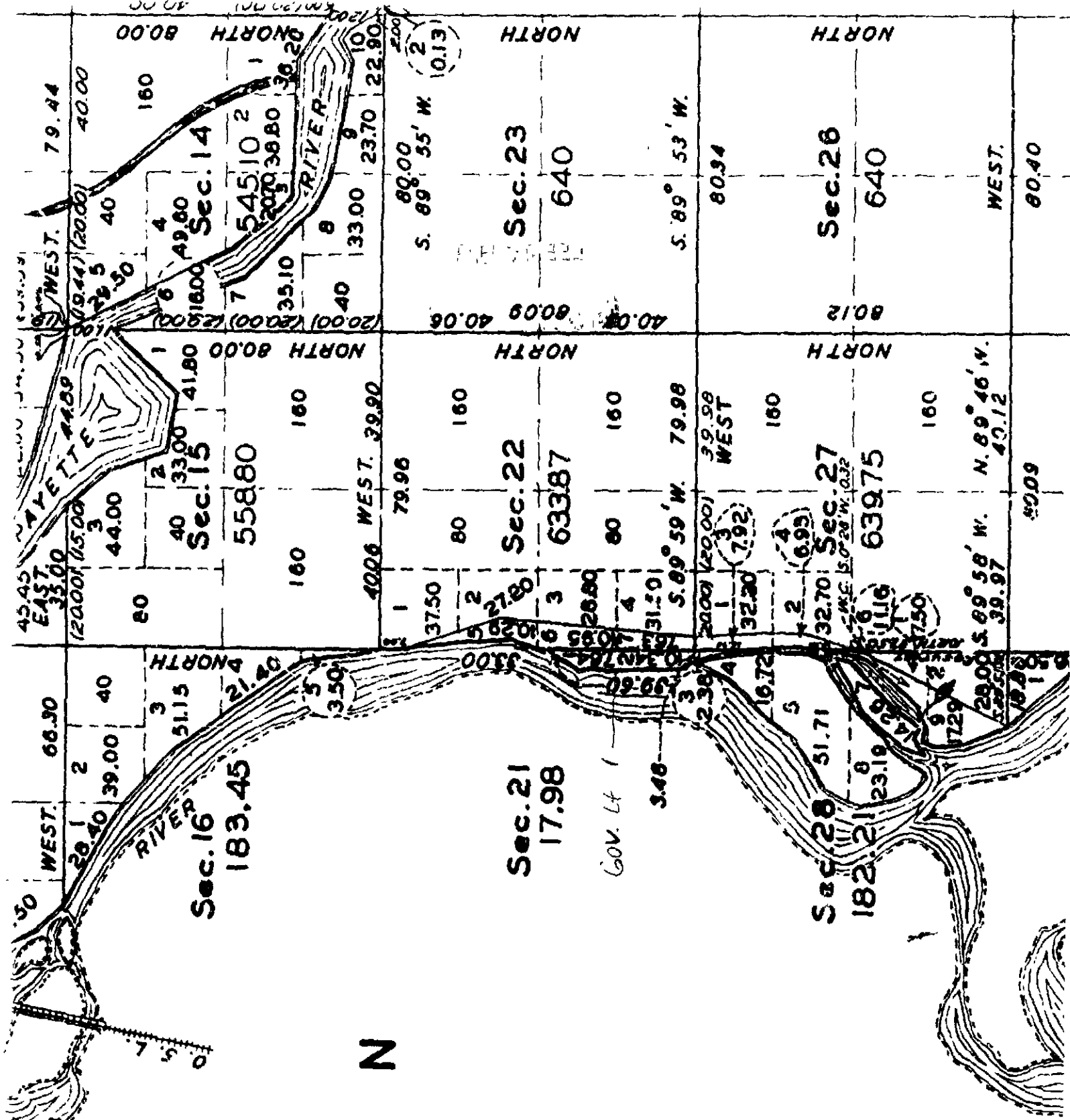
CITY OF FRUITLAND  
VICINITY MAP  
SNAKE RIVER LAGOONS

Project No. 021285c

FEB 04 1993

S. R. 47 E. N. M.

NO. 1



# Affidavit of Publication

STATE OF IDAHO,  
COUNTY OF PAYETTE

ss

Notice of Application  
TITLE OF PUBLICATION

SPONSOR OF PLAINTIFF

Dept. of Water Resources  
PLAINTIFF OR LEGAL AGENT

I, Dorothy Mason, being

duly sworn, deposes and says:

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

Such notice was published in the issue beginning with  
Dec. 18, 1991, and ending with the issue  
of Dec. 23, 1991.

STATE OF IDAHO  
COUNTY OF

On this 24<sup>th</sup> day of Dec. in the year of 1991, before me,  
a Notary Public, personally appeared Dorothy Mason,  
known or identified to me to be the person whose name  
subscribed to the within instrument, and being by me first duly  
sworn, declared that the statements therein are true, and  
acknowledged to me that he executed the same.

Mailem J. Rhineland  
Notary Public for Idaho

Residing at Fruitland

My commission expires 11-28-92

Copy of Notice  
(First Copy)

## NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to  
appropriate the public waters of the State of Idaho:  
65-13351

CITY OF FRUITLAND  
PO BOX 324  
FRUITLAND, ID 83619

Source: GROUNDWATER  
Diversion Pt: LOT 8 (SENWSW) Sec 10 T08N R 05W  
in PAYETTE County.  
Use: INDUSTRIAL (.040 CFS)  
Total Diversion: (.040 CFS)  
Date Filed: 11/22/1991  
Place of use within the city limits of Fruitland.

65-13352

CITY OF FRUITLAND  
PO BOX 324  
FRUITLAND, ID 83619

Source: GROUNDWATER  
Diversion Pt: LOT 1 (SESESE) Sec 21 T08N R 05W in  
PAYETTE County.  
Use: INDUSTRIAL (.020 CFS)  
Total Diversion: (.020 CFS)  
Dated Filed: 11/22/1991  
Place of use within the city limits of Fruitland.

The permit(s) will be subject to all prior water  
rights. Protests must be filled with the Director,  
Dept. of Water Resources, Western Region, 2735  
Airport Way, Boise, Idaho 83705 on or before JANU-  
ARY 6, 1992.

No. 667

R. KEITH HIGGINSON, Director  
Dec. 18, 23

## STATEMENT

Independent-Enterprise  
PAYETTE, IDAHO

Number of Lines . . . . . 33

Number of Insertions . . . . . two

33 Lines @ .90 . . . \$ 29.70

33 Lines @ .72 . . . \$ 23.76

TOTAL COST  
WILL BE . . . . . \$ 53.46

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DEC 27 1991

Department of Water Resources  
Western Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CFCIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

May 10, 1994

CITY OF FRUITLAND  
PO BOX 324  
FRUITLAND ID 83619

RE: WATER RIGHT NO. 65-13352

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jim Johnson', with a long horizontal line extending to the right.

JIM JOHNSON  
Water Rights Supervisor

JJ:dc

Enclosure

JUN 30 1994

WR0749NP  
No. L65-13352

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 05/02/94  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                          | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | CITY OF FRUITLAND<br>PO BOX 324<br>FRUITLAND ID 83619<br>(208) 452-4421 | 11/22/1991       | INDUSTRIAL | 01-01 12-31           | 0.02 CFS          | 0.60 AFA            |
| TOTAL DIVERSION: |                                                                         |                  |            |                       | 0.02 CFS          | 0.60 AFA            |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 0.03 CFS

Point(s) of Diversion: T08N R05W S21 Lot 01(SESESE)

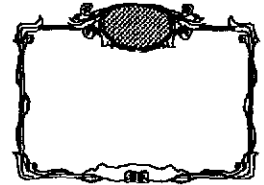
PAYETTE County

Place of use Legal Description for: INDUSTRIAL

| NE  |     |    |      |    |    |    |    |    |    |    |      | NW |    |    |    | SW |      |    |    | SE |      |    |    |    |   |   |
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# LICENSE REVIEW CHECKLIST

 PERMIT NO. 65-13352

 DATE 4-25-94


|               |            |                                           |                                                                                                                                                                                                            |
|---------------|------------|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NAME          | Yes<br>___ | No<br><input checked="" type="checkbox"/> | Or Address Change? _____                                                                                                                                                                                   |
| PRIORITY DATE | ___        | <input checked="" type="checkbox"/>       | Advance? ___ Advanced to: _____<br>Order to reinstate needed? _____<br>Incorrect fee for rate recommended? <u>NA</u>                                                                                       |
| SOURCE        | ___        | <input checked="" type="checkbox"/>       | Changes or just clarification of originally intended source? _____<br>Notice of Intent to Void necessary? _____                                                                                            |
| POINT OF DIV  | ___        | <input checked="" type="checkbox"/>       | Amendment needed? _____                                                                                                                                                                                    |
|               | ___        | <input checked="" type="checkbox"/>       | Overlaps? _____                                                                                                                                                                                            |
| PLACE OF USE  | ___        | <input checked="" type="checkbox"/>       | Amendment needed? <u>Delete NESE 1/4 1/4</u>                                                                                                                                                               |
|               | ___        | <input checked="" type="checkbox"/>       | Overlaps? _____                                                                                                                                                                                            |
| DIV RATE      | ___        | <input checked="" type="checkbox"/>       | Measurement done? _____ Theoretical only? <input checked="" type="checkbox"/><br><u>Q = .03</u>                                                                                                            |
|               |            |                                           | <b>Capacity:</b> <u>.03</u> Combined rates exceed capacity ___<br>Allowable amount: <u>Permit limit @ .02 cfs</u>                                                                                          |
| ANNUAL VOLUME | ___        | <input checked="" type="checkbox"/>       | Season of use: _____<br>Calculations: <u>Equivalent to internal domestic @ .10 cfs</u><br>Flow limit: <u>.02</u> cfs x <u>365</u> x 1.9835 = <u>14.4</u><br>Combined volumes exceed capacity/allowable ___ |
| USES          | ___        | <input checked="" type="checkbox"/>       | Change(s) in Nature of Use? _____<br>Amendment necessary? _____                                                                                                                                            |
| REMARKS       | ___        | <input checked="" type="checkbox"/>       | Multiple p/d(s) in 1/4 1/4? _____                                                                                                                                                                          |
|               | ___        | <input checked="" type="checkbox"/>       | Other _____                                                                                                                                                                                                |
| CONDITIONS    | ___        | <input checked="" type="checkbox"/>       | Measuring/Locking Devices _____                                                                                                                                                                            |
|               | ___        | <input checked="" type="checkbox"/>       | Watermaster control - District _____                                                                                                                                                                       |
|               | ___        | <input checked="" type="checkbox"/>       | Irrigation Overlap _____                                                                                                                                                                                   |
|               | ___        | <input checked="" type="checkbox"/>       | Water Quality _____                                                                                                                                                                                        |
|               | ___        | <input checked="" type="checkbox"/>       | Other _____                                                                                                                                                                                                |

 COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

|                   |            |           |                                             |
|-------------------|------------|-----------|---------------------------------------------|
| RECOMMENDED       | CFS        | VOLUME    |                                             |
| <u>Industrial</u> | <u>.02</u> | <u>.6</u> | LICENSE <input checked="" type="checkbox"/> |
| _____             | _____      | _____     | 1ST AMENDMENT LETTER _____                  |
| _____             | _____      | _____     | FINAL AMENDMENT LETTER _____                |



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

REVISED EXAM  
3/9/94 per coordination  
with licensing staff at  
S.O. - 82

**A. GENERAL INFORMATION**

Permit No. 65-13352

1. Owner: CITY OF FRUITLAND Phone No. 452-4421

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

2. Accompanied by: JERRY CAMPBELL EXAM DATE: 5/25/93

Address: \_\_\_\_\_ Phone No. SAME

Relationship to Permit Holder: Employee

3. Source: Groundwater tributary to \_\_\_\_\_

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: 65-06455

2. Other water rights with the same point of diversion: 65-06455

**C. DIVERSION AND DELIVERY SYSTEM**

1. Point(s) of Diversion:

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Method of Determination/Remarks |
|-----------|-----------|-----|-----|-----|------|------|------|---------|---------------------------------|
|           | 1         | SE  | SE  | SE  | 21   | 8N   | 5W   | Payette | Aerial Map                      |
|           |           |     |     |     |      |      |      |         |                                 |
|           |           |     |     |     |      |      |      |         |                                 |
|           |           |     |     |     |      |      |      |         |                                 |

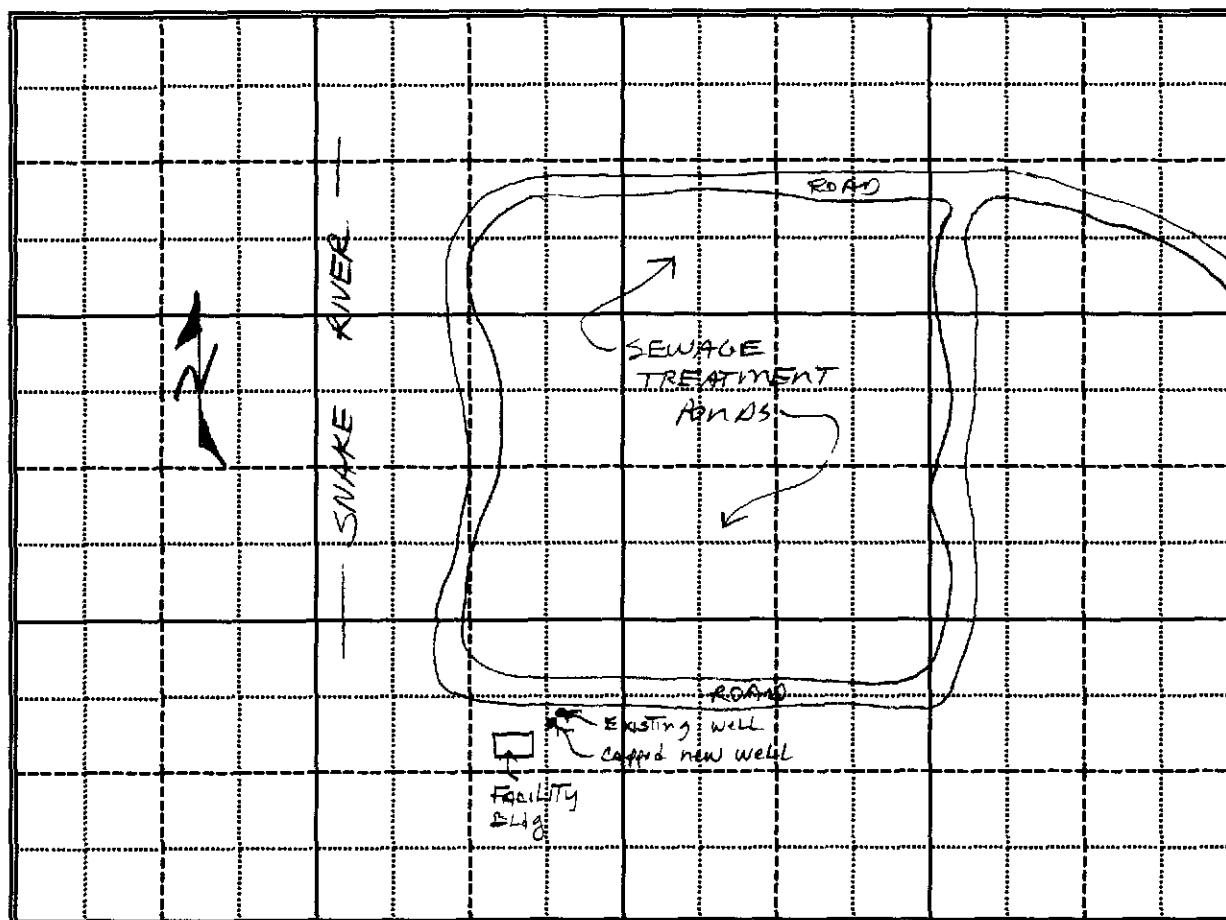
2 Place(s) of Use:

Indicate Method of Determination Same as P/1

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |      | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|------|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE   |        |
| 8N  | 5W  | 21  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | Ind. |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |      |        |
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JUN 30 1994

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = NTS

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp  | <sup>model</sup><br>Motor Serial No. | Pump Make | <sup>model</sup><br>Pump Serial No. or Discharge Size |
|---------------------------------------|------------|-----|--------------------------------------|-----------|-------------------------------------------------------|
|                                       | FRANKLIN   | 1/2 | 2801050110                           | Berkely   | 10MG 07-D5                                            |
|                                       |            |     |                                      |           |                                                       |
|                                       |            |     |                                      |           |                                                       |

\*Code to correspond with No. on map and aerial photo

#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: None - Pressurized System

JUN 30 1994

# E. NARRATIVE/REMARKS/COMMENTS

OVERLAPS: P/D - Same QQ, different P/D  
P/U - Same QQ, different P/U and use.

(This field report is to replace initial one dated 6/2/93.  
Water right reinstated due to misinterpretation)

This well, which was dug by backhoe, was in the process of being abandon due to poor production. Upon drilling of new well, located a few feet southerly of existing well, the existing well recharge due to possible change in STRATA. Therefore, new well was capped off. Though the intent of this water right was to reflect pumping from new well, drilled in november, 1991, the existing well is now the well pertaining to this water right. The capacity of this system is 0.03 cfs, ~~for wash~~ the industrial use is for a sink in facility <sup>building</sup> ~~house~~ and for periodically hosing down of interior of facility building. Since the system is capable of producing the requested allocation of 0.02 cfs, recommend Licensing for 0.02 cfs for industrial use.

Theoretical:  $Q = \frac{(8.8)(0.7)(2.5)}{15 + (2.31 \times 40)} = \frac{3.08}{107.4} \approx 0.03 \text{ cfs}$

NOTE: TDH of 15' chosen due to small pump size and Limited Time pump is in operation.  
Assumed 40psi as per pump size.

Have conditions of permit approval been met? ☒ yes ☐ no

Approved by

JUN 30 1993

**F. FLOW CALCULATIONS**

(Theoretical)

Additional Computation Sheets Attached

Measured Method:

(See Narrative, Section E for Theoretical calculation of systems capacity)

**G. VOLUME CALCULATIONS**

## 1. Volume Calculations for Irrigation:

N/A

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

## 2. Volume Calculations for Other Uses:

Industrial - Since use is limited to washing and spraying of inside of building, assumed volume as domestic volume, internal use.

$$V = 0.6 \text{ AFA}$$

**H. RECOMMENDATIONS**

## 1. Recommended Amounts

| Beneficial Use | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------|---------------|-------|------------------------------|--------------------------|
|                | From          | To    |                              |                          |
| Industrial     | 1/1           | 12/31 | 0.02                         | 0.6                      |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
| Totals:        |               |       | 0.02                         | 0.6                      |

## 2. Recommended Amendments

☐ Change P.D. as reflected above    ☐ Add P.D. as reflected above    ☒ None  
☐ Change P.U. as reflected above    ☐ Add P.U. as reflected above    ☐ Other

**I. AUTHENTICATION**

Field Examiner's Name Rick Collingwood Date 3/9/94

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

SEAL

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY -- FORWARD THE WHITE COPY TO THE DEPARTMENT



PHOTO ONE-

View westerly of wells + utility Bldg. Located in southwest corner of sewage treatment plant.

&gt;



PHOTO TWO-

View northerly of existing well (with cap), and the well per this permit. New well not in operation.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

March 7, 1994

City of Fruitland  
200 S. Whitley  
P.O. Box 324  
Fruitland, ID 83619

RE: Water Right Permit No. 65-13352

Dear Permit Holder:

Enclosed is a copy of the Order rescinding the previously issued Preliminary Order, and reinstating Permit No. 65-13352.

If you have any questions or we can be of any further assistance, please feel free to contact the Department.

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary

Enclosure

C: IDWR - Western Region

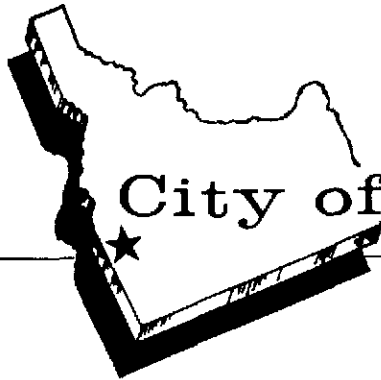
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APR 19 1994

RECEIVED

MAR 04 1994

Department of Water Resources



## City of Fruitland

Area Code 208  
Phone 452-4421  
FAX 452-6146

200 S Whitley

P. O. Box 324  
FRUITLAND, IDAHO 83619

3 March 1994

L. Glen Saxton, Chief  
Water Allocation Bureau  
Idaho Dept. of Water Resources  
Statehouse Mail  
Boise, ID 83720-9000

RE: PERMIT NO. 65-13352

Mr. Saxton:

As a follow up to our Petition for Reconsideration sent to you 3/1/94, we would like the permit designated to the existing operating well that was dug with a backhoe.

If you need any further clarification, please feel free to contact me.

Sincerely,

Rick S. Watkins, City Administrator

cc: Rick Collingwood

MAR 9 1994



RECEIVED

MAR 02 1994

Department of Water Resources

## City of Fruitland

Area Code 208  
Phone 452-4421  
FAX 452-6146

200 S. Whitley

P. O. Box 324  
FRUITLAND, IDAHO 83619

1 March 1994

L. Glen Saxton  
Chief, Water Allocation Bureau  
Idaho Dept. of Water Resources  
Statehouse Mail  
Boise, ID 83720-9000

RE: PERMIT NO. 65-13352

Mr. Saxton:

Please consider this a Petition for Reconsideration concerning the above referenced permit which was voided 2-22-94.

In researching the circumstances, it appears a well was dug a few years ago using a backhoe. This well subsequently quit producing. Upon drilling a well approximately one foot away under this permit, the old well came back into production and we therefore continued to use it rather than switch holes with the pumping gear.

We would therefore request this permit be allowed for both wells.

If you have any questions or need clarification, please contact Mike Holladay, City Engineer at (208) 642-3304.

Thank you for your consideration.

Sincerely,

Rick S. Watkins, City Administrator

APR 10



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

February 24, 1994

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

City of Fruitland  
PO Box 324  
Fruitland, ID 83619-0324

RE: Permit No. 65-13352

Dear Permit Holder:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

**PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer 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 this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this 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 Director.

*[Handwritten signature]*

APR 19 1994

The Director retains the right to review the preliminary order on his own motion.

#### ORAL ARGUMENT

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

#### CERTIFICATE OF SERVICE

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

#### FINAL ORDER

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

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

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

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

#### APPEAL OF FINAL ORDER TO DISTRICT COURT

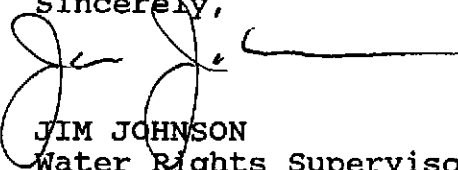
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final

order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

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

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

Sincerely,



JIM JOHNSON  
Water Rights Supervisor

JJ:dc

Enclosure

# LICENSE REVIEW CHECKLIST

Permit # 65-13352

Date 1-10-94

Brenda Chapman

|               | Yes         | No          |                                                                  |
|---------------|-------------|-------------|------------------------------------------------------------------|
| NAME          | <u>    </u> | <u>    </u> | Or Address Change?                                               |
| PRIORITY DATE | <u>    </u> | <u>    </u> | Advance? <u>    </u> Advanced to: <u>    </u>                    |
|               | <u>    </u> | <u>    </u> | Order to Reinstate Needed? <u>    </u>                           |
|               | <u>    </u> | <u>    </u> | Incorrect Fee for rate recommended? <u>    </u>                  |
| SOURCE        | <u>    </u> | <u>    </u> | Changes? Clarification of Originally Intended source <u>    </u> |
|               | <u>    </u> | <u>    </u> | Notice of Intent to Void - Source change. <u>    </u>            |
| P/D           | <u>    </u> | <u>    </u> | Amendment Needed? <u>    </u>                                    |
|               | <u>    </u> | <u>    </u> | Overlap(s) <u>    </u>                                           |
| P/U           | <u>    </u> | <u>    </u> | Amendment Needed? <u>    </u>                                    |
|               | <u>    </u> | <u>    </u> | Overlap(s) <u>    </u>                                           |
| TOTAL CFS     | <u>    </u> | <u>    </u> | Measurement <u>    </u> Theoretical only <u>    </u>             |
|               |             |             | <u>    </u>                                                      |
|               |             |             | <u>    </u>                                                      |
|               |             |             | Allowable Amount: <u>    </u>                                    |
|               |             |             | Capacity of System: <u>    </u>                                  |
| TOTAL VOLUME  | <u>    </u> | <u>    </u> | Season of Use: <u>    </u>                                       |
|               | <u>    </u> | <u>    </u> | Calculations: <u>    </u>                                        |
|               |             |             | <u>    </u>                                                      |
|               |             |             | Flow limit: <u>    </u> x <u>    </u> x 1.9835 = <u>    </u>     |
| USES          | <u>    </u> | <u>    </u> | Change(s) in Nature of Use? <u>    </u>                          |
|               | <u>    </u> | <u>    </u> | Amendment Needed? <u>    </u>                                    |
| REMARKS       | <u>    </u> | <u>    </u> | Multiple P/Ds in 1/4 1/4? <u>    </u>                            |
|               | <u>    </u> | <u>    </u> | Special Overlap <u>    </u>                                      |
| CONDITIONS    | <u>    </u> | <u>    </u> | Measuring/Locking Devices <u>    </u>                            |
|               | <u>    </u> | <u>    </u> | W/Master Control <u>    </u> Water Dist <u>    </u>              |
|               | <u>    </u> | <u>    </u> | Irrigation Overlap <u>    </u> App Rec'd <u>    </u>             |
|               | <u>    </u> | <u>    </u> | Water Quality <u>    </u> Exam Made <u>    </u>                  |
|               | <u>    </u> | <u>    </u> | Other <u>    </u>                                                |

COMMENTS:

RECOMMEND VOIDING PERMIT - NO B/u found

RECOMMENDED

CFS

DIV VOL

LICENSE

1ST AMEND LETTER

2ND AMEND LETTER

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

RECEIVED  
**JUL 09 1993**  
Department of Water Resources

**A. GENERAL INFORMATION**

Permit No. 65-13352

1. Owner: CITY OF FRUITLAND Phone No. 452-4421

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

2. Accompanied by: Jeffery Campbell EXAM DATE: 5/25/93

Address: \_\_\_\_\_ Phone No. SAME

Relationship to Permit Holder: Employee

3. Source: Groundwater tributary to \_\_\_\_\_

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: 65-06455

2. Other water rights with the same point of diversion: 65-06455

**C. DIVERSION AND DELIVERY SYSTEM**

**1. Point(s) of Diversion:**

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Method of Determination/Remarks |
|-----------|-----------|-----|-----|-----|------|------|------|---------|---------------------------------|
|           | 1         | SE  | SE  | SE  | 21   | 8N   | 5W   | Payette | Aerial Map                      |
|           |           |     |     |     |      |      |      |         |                                 |
|           |           |     |     |     |      |      |      |         |                                 |
|           |           |     |     |     |      |      |      |         |                                 |

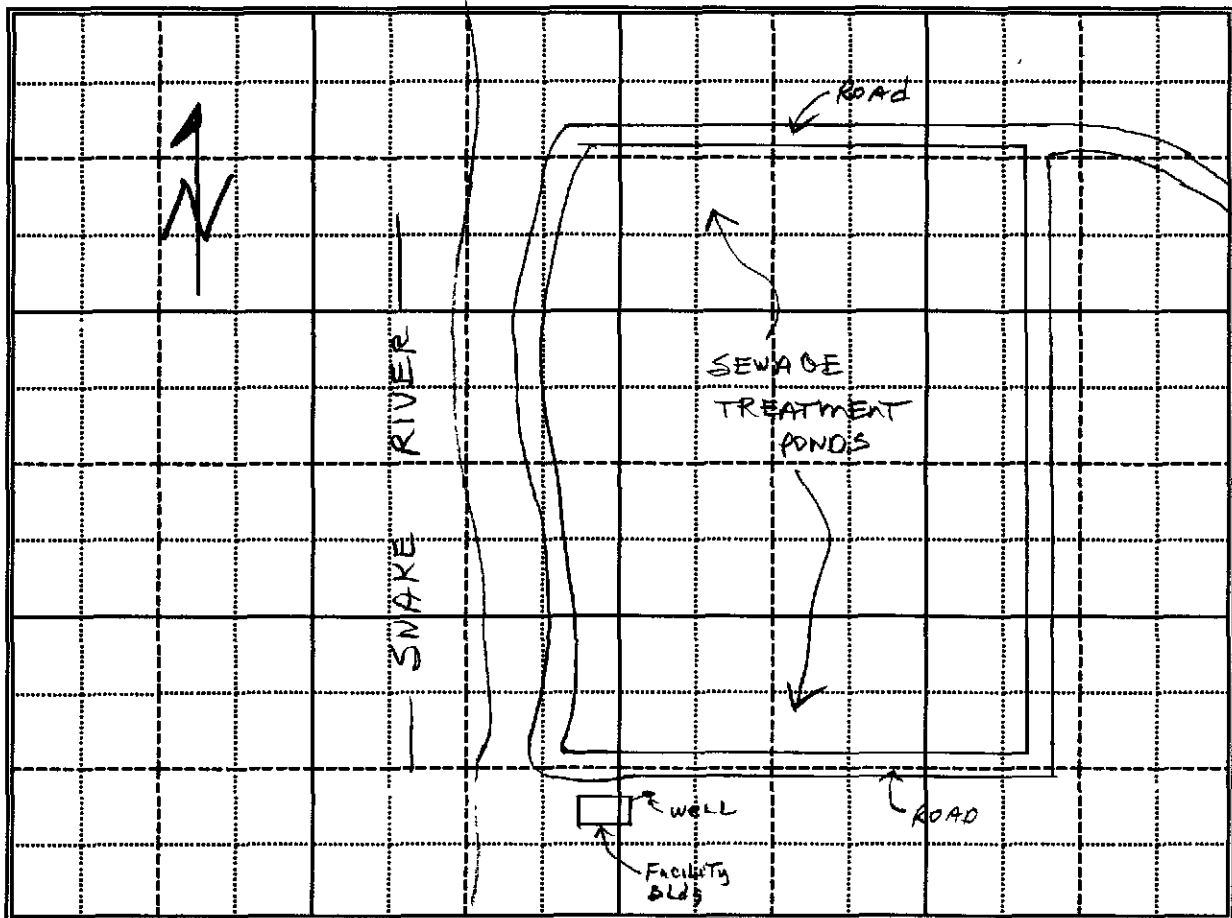
**2. Place(s) of Use:**

Indicate Method of Determination

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |      | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|------|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE   |        |
| 8N  | 5W  | 21  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | Ind. |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |      |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |      |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |      |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |      |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |      |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |      |        |

APR 19 1994

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = \_\_\_\_\_

\_\_\_\_ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

\_\_\_\_ Aerial Photo Attached (required for irrigation of 10+ acres)

\_\_\_\_ Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp  | Motor <sup>model</sup> Serial No. | Pump Make | Pump <sup>model</sup> Serial No. or Discharge Size |
|---------------------------------------|------------|-----|-----------------------------------|-----------|----------------------------------------------------|
|                                       | FRANKLIN   | 1/2 | 280105011D                        | BEEKLEY   | 10 MG 07-05                                        |
|                                       |            |     |                                   |           |                                                    |
|                                       |            |     |                                   |           |                                                    |

\*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS *NONE - WELL NOT IN OPERATION*

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements: *NO MEASUREMENTS TAKEN. WELL IS NOT IN OPERATION.*

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E. NARRATIVE/REMARKS/COMMENTS

OVERLAPS - P/D Same QQ, different AREA  
P/U Same QQ, different USE

This well was drilled next to existing well, approximately 3' apart. Old well is still in operation, therefore new well has never been in operation.

Recommend cancellation of this water right since well is not in operation and <sup>due</sup> its location with respect to the existing well. A transfer of the water right might be in order. To the new well might be in order.

P/U located in NESE is incorrect. P/D & P/U are both in SESE, LOT 1, Sec. 21.

Have conditions of permit approval been met? ☐ yes ☒ no

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**F. FLOW CALCULATIONS**

\_\_\_\_\_ Additional Computation Sheets Attached

Measured Method:

*No measurements available***G. VOLUME CALCULATIONS****1. Volume Calculations for Irrigation:** $V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$  \_\_\_\_\_ $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$  \_\_\_\_\_ $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$  \_\_\_\_\_**2. Volume Calculations for Other Uses:***V = 0.6 AF***H. RECOMMENDATIONS***CANCELLATION***1. Recommended Amounts**

| Beneficial Use    | Period of Use |              | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|-------------------|---------------|--------------|------------------------------|--------------------------|
|                   | From          | To           |                              |                          |
| <i>Industrial</i> | <i>1/1</i>    | <i>12/31</i> |                              |                          |
|                   |               |              |                              |                          |
|                   |               |              |                              |                          |
|                   |               |              |                              |                          |
|                   |               |              |                              |                          |
| Totals:           |               |              |                              |                          |

**2. Recommended Amendments**

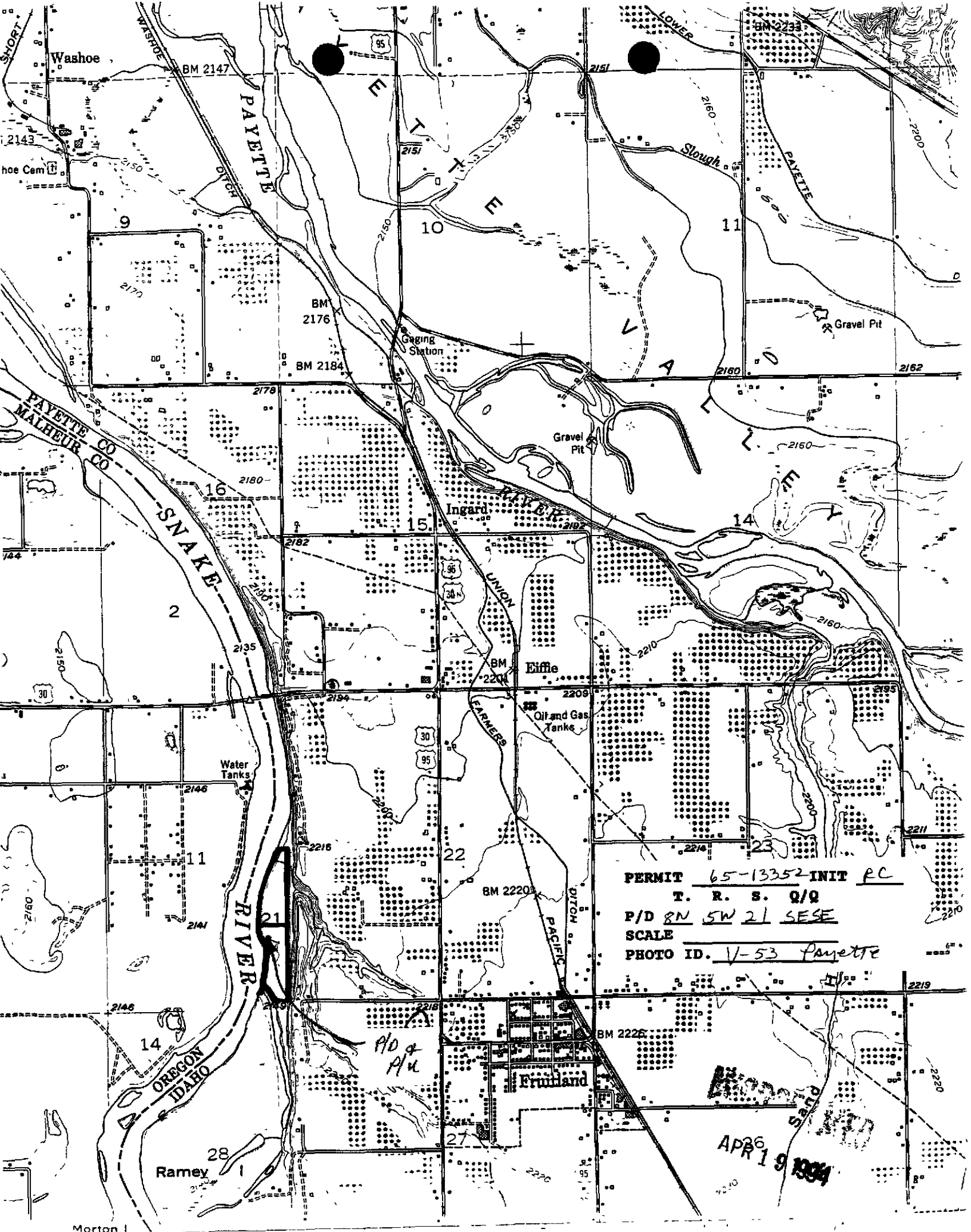
☐ Change P.D. as reflected above    ☐ Add P.D. as reflected above    ☒ None  
☒ Change P.U. as reflected above    ☐ Add P.U. as reflected above    ☐ Other

**I. AUTHENTICATION**Field Examiner's Name *Rick Collingwood* Date *6/2/93*

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

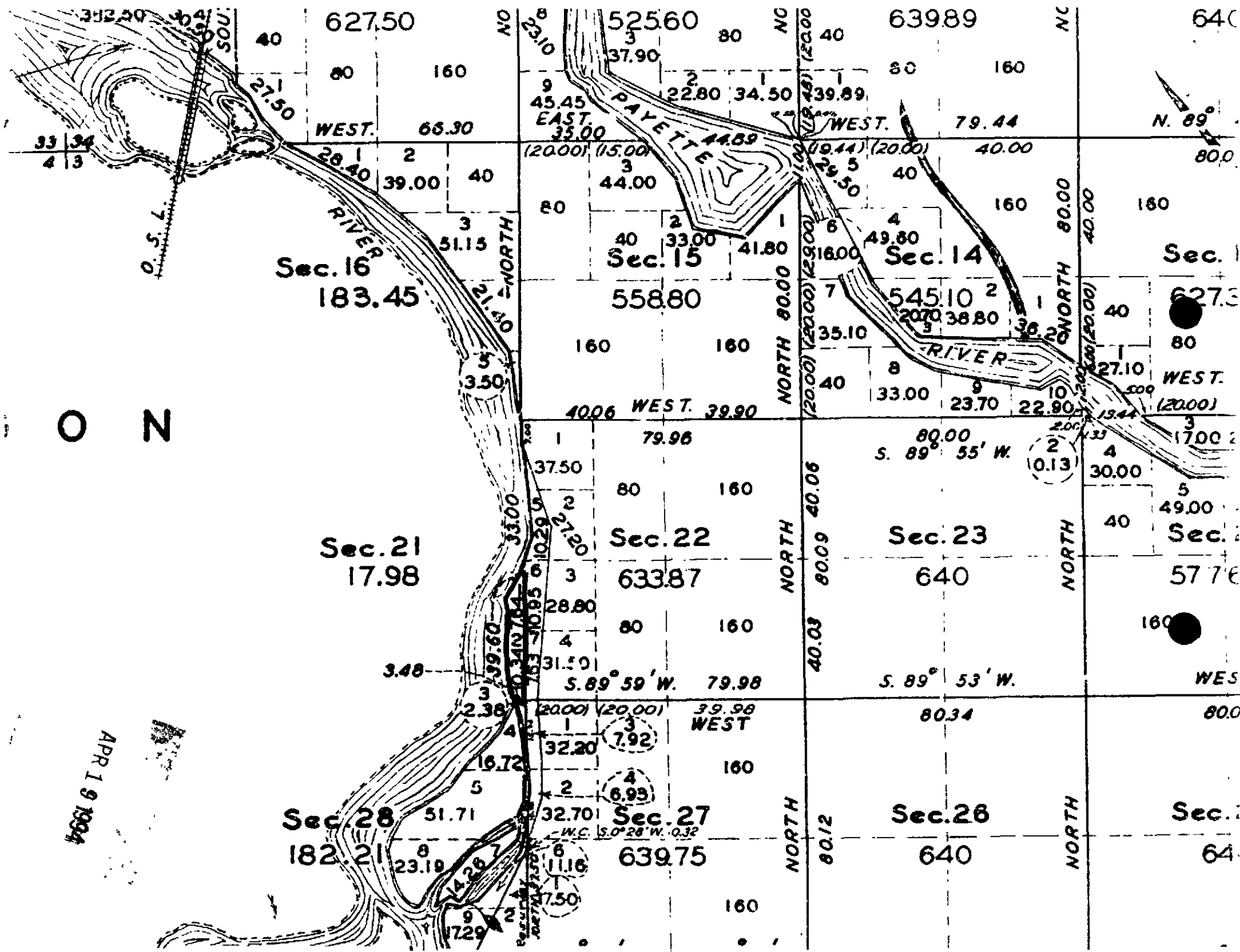
SEAL

APR 19 1994



PERMIT 65-13352 INIT PC  
T. R. S. Q/Q  
P/D 8N SW 21 SESE  
SCALE  
PHOTO ID. V-53 Payette

APR 19 1964



Snake  
River  
LagoonSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**WELL DRILLER'S REPORT**USE TYPEWRITER OR  
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources  
within 30 days after the completion or abandonment of the well.

| <b>1. WELL OWNER</b><br>Name <u>CITY OF FRUITLAND</u><br>Address <u>P.O. BOX 224 FRUITLAND, ID 83619</u><br>Drilling Permit No. <u>65-91-W-154</u><br>Water Right Permit No. <u>EXEMPT</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>7. WATER LEVEL</b><br>Static water level <u>14</u> feet below land surface<br>Flowing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No G.P.M. flow _____<br>Artesian closed in pressure _____ p.s.i.<br>Controlled by <input type="checkbox"/> Valve <input type="checkbox"/> Cap <input type="checkbox"/> Plug<br>Temperature _____ °F Quality _____<br><small>Describe artesian or temperature zones below</small>                                                                                    |                  |                         |              |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------------|--------------|---------------|--------------|--------|---------|--------------|---------------|------------|------------|--------------|--------------|------------|------------|--------------|--------------|------------|---------------|--------|--------|----|--------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------|------------|--------------------|------------|------------|--|
| <b>2. NATURE OF WORK</b><br><input checked="" type="checkbox"/> New well <input type="checkbox"/> Deepened <input type="checkbox"/> Replacement<br><input type="checkbox"/> Well diameter increase<br><input type="checkbox"/> Abandoned <small>Describe abandonment procedures such as materials, plug depths, etc. in lithologic log</small>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>8. WELL TEST DATA</b><br><input checked="" type="checkbox"/> Pump <input type="checkbox"/> Bailor <input type="checkbox"/> Air <input type="checkbox"/> Other _____<br><table border="1"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td>20 GAL</td><td>25'</td><td>1</td></tr></tbody></table>                                                                                                                                                                  | Discharge G.P.M. | Pumping Level           | Hours Pumped | 20 GAL        | 25'          | 1      |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
| Discharge G.P.M.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Pumping Level                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Hours Pumped     |                         |              |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
| 20 GAL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 25'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 1                |                         |              |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
| <b>3. PROPOSED USE</b><br><input type="checkbox"/> Domestic <input type="checkbox"/> Irrigation <input type="checkbox"/> Test <input type="checkbox"/> Municipal<br><input type="checkbox"/> Industrial <input type="checkbox"/> Stock <input type="checkbox"/> Waste Disposal or Injection<br><input checked="" type="checkbox"/> Other <u>UNPOTABLE WATER FOR USE AT WASTEWATER TREATMENT FACILITY</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>9. LITHOLOGIC LOG</b><br><table border="1"><thead><tr><th>Bore Diam.</th><th>Depth From</th><th>Depth To</th><th>Material</th><th>Water Yes/No</th></tr></thead><tbody><tr><td>4 1/2"</td><td>0</td><td>5</td><td>SAND &amp; GRAVEL</td><td>X</td></tr><tr><td>4 1/2"</td><td>5</td><td>18</td><td>SANDY CLAY</td><td>X</td></tr><tr><td>4 1/2"</td><td>18</td><td>25</td><td>SAND &amp; GRAVEL</td><td>X</td></tr><tr><td>4 1/2"</td><td>25</td><td>35</td><td>GRAVEL WITH COARSE SAND</td><td>X</td></tr></tbody></table> | Bore Diam.       | Depth From              | Depth To     | Material      | Water Yes/No | 4 1/2" | 0       | 5            | SAND & GRAVEL | X          | 4 1/2"     | 5            | 18           | SANDY CLAY | X          | 4 1/2"       | 18           | 25         | SAND & GRAVEL | X      | 4 1/2" | 25 | 35                 | GRAVEL WITH COARSE SAND | X                                                                                                                                                                                                                                                                                                                                                                                                         |                    |            |            |                    |            |            |  |
| Bore Diam.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Depth From                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Depth To         | Material                | Water Yes/No |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
| 4 1/2"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 5                | SAND & GRAVEL           | X            |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
| 4 1/2"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 18               | SANDY CLAY              | X            |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
| 4 1/2"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 18                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 25               | SAND & GRAVEL           | X            |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
| 4 1/2"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 25                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 35               | GRAVEL WITH COARSE SAND | X            |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
| <b>4. METHOD DRILLED</b><br><input checked="" type="checkbox"/> Rotary <input checked="" type="checkbox"/> Air <input type="checkbox"/> Hydraulic <input type="checkbox"/> Reverse rotary<br><input type="checkbox"/> Cable <input type="checkbox"/> Dug <input type="checkbox"/> Other _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                  |                         |              |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
| <b>5. WELL CONSTRUCTION</b><br>Casing schedule: <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Concrete <input type="checkbox"/> Other _____<br><table border="1"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td>2 1/2" inches</td><td>6 inches</td><td>0 feet</td><td>53 feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr></tbody></table><br>Was casing drive shoe used? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>Was a packer or seal used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>Perforated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>How perforated? <input type="checkbox"/> Factory <input type="checkbox"/> Knife <input type="checkbox"/> Torch <input type="checkbox"/> Gun<br>Size of perforation _____ inches by _____ inches<br><table border="1"><thead><tr><th>Number</th><th>From</th><th>To</th></tr></thead><tbody><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr></tbody></table><br>Well screen installed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>Manufacturer's name _____<br>Type _____ Model No. _____<br>Diameter _____ Slot size _____ Set from _____ feet to _____ feet<br>Diameter _____ Slot size _____ Set from _____ feet to _____ feet<br>Gravel packed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Size of gravel _____<br>Placed from _____ feet to _____ feet<br>Surface seal depth <u>1 1/2</u> Material used in seal <input type="checkbox"/> Cement grout<br><input checked="" type="checkbox"/> Bentonite <input type="checkbox"/> Puddling clay <input type="checkbox"/> _____<br>Sealing procedure used <input type="checkbox"/> Slurry pit <input type="checkbox"/> Temp. surface casing<br><input checked="" type="checkbox"/> Overbore to seal depth<br>Method of joining casing <input type="checkbox"/> Threaded <input checked="" type="checkbox"/> Welded <input type="checkbox"/> Solvent Weld<br><input type="checkbox"/> Cemented between strata<br>Describe access port _____ | Thickness                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Diameter         | From                    | To           | 2 1/2" inches | 6 inches     | 0 feet | 53 feet | _____ inches | _____ inches  | _____ feet | _____ feet | _____ inches | _____ inches | _____ feet | _____ feet | _____ inches | _____ inches | _____ feet | _____ feet    | Number | From   | To | _____ perforations | _____ feet              | _____ feet                                                                                                                                                                                                                                                                                                                                                                                                | _____ perforations | _____ feet | _____ feet | _____ perforations | _____ feet | _____ feet |  |
| Thickness                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Diameter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | From             | To                      |              |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
| 2 1/2" inches                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 6 inches                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0 feet           | 53 feet                 |              |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
| _____ inches                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | _____ inches                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | _____ feet       | _____ feet              |              |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
| _____ inches                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | _____ inches                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | _____ feet       | _____ feet              |              |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
| _____ inches                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | _____ inches                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | _____ feet       | _____ feet              |              |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
| Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | From                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | To               |                         |              |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
| _____ perforations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | _____ feet                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | _____ feet       |                         |              |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
| _____ perforations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | _____ feet                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | _____ feet       |                         |              |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
| _____ perforations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | _____ feet                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | _____ feet       |                         |              |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
| <b>6. LOCATION OF WELL</b><br>Sketch map location must agree with written location<br><table border="1"><tr><td>N</td><td></td><td></td><td></td><td></td></tr><tr><td>W</td><td></td><td></td><td></td><td>E</td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr></table><br>Subdivision Name _____<br>Lot No. _____ Block No. _____<br>County <u>PAYETTE</u><br>SE 1/4 Sec 21 T 2 S 10 R 1 W 10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | N                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                  |                         |              |               | W            |        |         |              | E             |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         | <b>10. DRILLERS CERTIFICATION</b><br>I/We certify that all minimum well construction standards were complied with at the time the rig was removed<br><b>BILL DUTY</b><br>Firm Name <u>DRILLING CO., INC.</u> Firm No. <u>42</u><br>Address <u>106 CALLOWAY</u><br><u>CALDWELL, ID. 83605</u> Date <u>12-11-91</u><br>Signed by (Firm Official) <u>[Signature]</u><br>and<br>(Operator) <u>[Signature]</u> |                    |            |            |                    |            |            |  |
| N                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                  |                         |              |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
| W                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                  |                         | E            |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                  |                         |              |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                  |                         |              |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                  |                         |              |               |              |        |         |              |               |            |            |              |              |            |            |              |              |            |               |        |        |    |                    |                         |                                                                                                                                                                                                                                                                                                                                                                                                           |                    |            |            |                    |            |            |  |

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

Department of Water Resources

WELL INSPECTION FORM

If well is associated with water right, provide WR# 65-13352

Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

1. Legal Description: TWP 8N, Rge 5W, Sec. 21, SE 1/4 SE 1/4 or Lot 1.

2. Owner: CITY OF FRUITLAND  
Address P.O. Box 324, City FRUITLAND, St ID

3. Casing  $\geq$  12 inches above ground: Yes \_\_\_\_\_ No ☒

|                 |                                                  |                     |             |
|-----------------|--------------------------------------------------|---------------------|-------------|
| 4. Access Port: | Yes _____ No <input checked="" type="checkbox"/> | Static Water Level: | <u>10'</u>  |
| Pressure Gauge: | Yes _____ No <input checked="" type="checkbox"/> | Casing Diameter:    | <u>6"</u>   |
| Flowing:        | Yes _____ No <input checked="" type="checkbox"/> | Temperature:        | <u>11/0</u> |

5. Are there any obvious construction problems that may be a source for contamination or waste of water: Yes \_\_\_\_\_ No ☒

If answer to Item 5 is Yes, describe in remarks and attach photo.

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APR 19 1994

December 18, 1992

CITY OF FRUITLAND  
PO BOX 324  
FRUITLAND ID 83619

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13352

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

Karen L. Gustafson  
Secretary/Records Manager

c: IDWR - Region

FEB 04 1993

**ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE**

Permit No. 65-13352 Reviewed by 10/9 Date 12/16/92

**GENERAL CONSIDERATIONS**

**TYPES OF USE**

yes Name same as permit?  
yes Address same as permit?  
yes Proof timely received? Correct Uses? yes  
If not, complete calculation below.

Wastewater Treatment Plant

**SOURCE OF WATER**

       Surface water source  
✓ Ground water source

yes Drilling permit required?  
yes Copy in the file? Drilling Permit No. 65-91-W-154  
35 Amount paid for permit yes Correct?  
yes Well log in the file?

**LICENSE EXAMINATION FEE**

NA Required?  
       Amount Submitted  
       Correct?

**MEASURING DEVICE**

NA Required?  
       Installed?  
       Waiver requested?

**PRIORITY CALCULATION**

Date proof received NA  
Date proof due        -         
No. of days late        =         
Priority Date        +         
New Priority Date       

**DEFICIENCIES OR ACTION ITEMS**

*proof acceptable*

**DATA ENTRY**  
New Address       

Proof Made 12/15/92  
12/18/92 10/9

**RECEIVED**  
NOV 27 1991

Drilling Permit No. 85-91-W-154  
Water Permit No. N/A  
Injection Permit No. \_\_\_\_\_

State of Idaho  
Department of Water Resources

Department of Water Resources

**DRILLING PERMIT**

(Authorizing Construction of a Well)\*

1. Applicant City of Fruitland - Snake River Wastewater Treatment Facility

2. Address 200 Whitley Dr. - P.O. Box 324  
Fruitland, Idaho 83661

( ☒ ) Well Owner    ( ☐ ) Well Operator    ( ☐ ) Other, specify \_\_\_\_\_

3. Water right permit no. \_\_\_\_\_; Injection well permit no. \_\_\_\_\_

4. Proposed well location SE 1/4 SE 1/4 SE 1/4, or Gov't lot No. \_\_\_\_\_,  
Sec. 21, Twp. 8N, Rge. 5W, County Payette,  
Lot, block and subdivision \_\_\_\_\_

5. Proposed use of well: (Check all that apply)

( ☐ ) Domestic                      ( ☐ ) Stockwater                      ( ☐ ) Monitoring  
( ☐ ) Irrigation                      ( ☐ ) Industrial                      ( ☐ ) Municipal  
( ☐ ) Injection                      ( ☒ ) Other, Specify Nonpotable water for use at  
wastewater treatment facility

6. Well construction information: 22500 gpd @ .04 cfs

( ☒ ) New well                      ( ☐ ) Deepen                      ( ☐ ) Replace

Proposed surface diameter 6"                      Proposed depth 40'

Anticipated bottom hole temperature:

( ☒ ) 85°F or less (Cold water well)  
( ☐ ) 85°F to 212°F (Low temp. geothermal well)  
( ☐ ) 212°F or more (Geothermal well)

FEB 04 1993

7. Anticipated construction start date December 2, 1991

8. Well Driller (if known) Doty Drilling Co., Inc.

Address 25497 Freezeout Rd. Caldwell, Idaho 83605

Date Nov. 20, 1991 Applicant's signature Michael E. Holladay

Title City Engineer

## ACTION OF IDWR

☒ Approved☐ Denied

The approval of this permit authorizes the construction of a well as described on this application subject to the conditions on this permit.

## GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from its date of issuance for the start of construction and is valid for one (1) year from the date of issuance for completion of the well unless an extension has been granted.
3. The permit holder or his representative shall notify the Department ten (10) days prior to the start of construction unless good cause for later notification can be shown.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Issuance of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

## SPECIFIC CONDITIONS:

Dated this 22<sup>nd</sup> day of November, 1991.

RECEIVED  
FEB 04 1993

Signed

David R. Tuttle

Title

Mgr, Western Reg Off

Received by SL

Fee \$25.00

Date 11-22-91

Receipt No. W013910

Construction start date \_\_\_\_\_

Construction start extension to \_\_\_\_\_

Extension approved by \_\_\_\_\_

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

December 14, 1992

Re: In the Matter of Application for Permit No. 63-11705  
in the name of the Idaho Department of Fish and Game

Dear Permit Holder:

Enclosed is a copy of the Final Memorandum Decision and  
Order issued in reference to the above mentioned permit.

Any person who does not agree with the decision of the  
department may request a rehearing before the Director  
within 20 days, or may appeal directly to the district  
court within 30 days of the date the decision is mailed.

If you have any questions concerning this matter, please  
feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, reading 'L. Glen Saxton'.

L. GLEN SAXTON  
Chief, Water Allocation Bureau

Enc: Final Order  
Certificate of Mailing  
Copy of the Approved Permit

FEB 04 1993

# APPLICATION FOR PERMIT REVIEW

Application #: 65-13352 Date: 11-24-92 Reviewer: Brenda Miller

## SYSTEM COMPLETED:

No - 26A-P17  
 Complete in 1 year - P16  
 Yes  
 Proof not submitted - P16  
 Proof submitted - N/A

## GROUNDWATER:

GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)  
 - NMR <fl ch>, A of C \_\_\_\_\_  
 LT. 0.2 cfs - No measurement required <flow chart>  
 Drilling Permit:  
 <Approved> w/permit - P99 # 65-91-W-154  
 Not included - 046-46A-46B-P23 (after 7/1/87), N/A  
 SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

## LOCATION:

Water Districts - WD No. \_\_\_\_\_  
 Surface water - R04, R04-01H-P01(LT.2 w/pump)  
 R04-01J-P08(GT.2), NMR <flow chart>  
 Groundwater - P05  
 Irrigation Districts - 023  
 Canal Co. Areas - 023  
 Drainage Districts - 024  
 Boise Front (63) - 058 (Groundwater)  
 Swan Falls Flag - \_\_\_\_\_ (1, Blank or Other)  
 Trust - 051-052-053-P74 (Consumptive Uses)  
 Non Trust <1> - 048-049

## RIVER BASINS:

(Surface Water) Water District Control Condition &....  
 Boise (63) - 05A & 11E  
 Payette (65) - 047-P04, 059-P71  
 Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

## USE:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),  
 042(req.), 002-P06(MD), 07A(Spec.),  
 044(Policy 5G)  
 Power - \_\_\_\_\_ Use Power Review  
 Mining - 06A, 010, or 09E-P10 & 054(req.)  
 Storage - 18A-for multiple measuring devices(In WD),  
 18B-P09(Size)  
 Rec/Wildlf/Aes - 027(Non-Consumptive)  
 Domestic - 021 (Boise River - upstream from L Peak)  
 (restricted areas) 27A (Payette River & main tributaries)

## OWNERSHIP:

Non land owner - 004

## PROTESTED:

Agreement - 020

Beneficial Use Due Date: -

Other Conditions/Remarks: -

SEE ORDER (SHOULD BE 1-03-1994)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

November 20, 1992

Dear Interested Party:

Enclosed are copies of the Proposed Memorandum Decision and Order and the Order Issuing the Proposed Memorandum Decision and Order.

Any party who appeared at the hearing is given the opportunity to file exceptions or briefs, or to request oral arguments within 15 days of the date of this mailing. At the end of that time, the director will issue his final decision adopting, modifying, rejecting or replacing the proposed decision. Copies of that decision and order shall also be mailed to all parties.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

L. Glen Saxton  
Chief, Water Allocation Bureau

Enc: Proposed Memorandum Decision and Order  
Order Issuing Proposed Memorandum Decision and Order  
Certificate of Mailing

FEB 04 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

|                                 |   |                   |
|---------------------------------|---|-------------------|
| IN THE MATTER OF APPLICATIONS   | ) |                   |
|                                 | ) |                   |
| FOR PERMIT NOS. 65-13351 AND    | ) | NOTICE OF HEARING |
|                                 | ) |                   |
| 65-13352 IN THE NAME OF CITY OF | ) |                   |
|                                 | ) |                   |
| <u>FRUITLAND</u>                | ) |                   |

On November 22, 1991, the City of Fruitland filed with the Department of Water Resources two applications for permit to appropriate the public waters of the State of Idaho, for industrial purposes. The applications were protested by Student Loan Fund of Idaho and a conference was held by the Department on April 15, 1992.

The Department has now set the matter of protest for a hearing to be held on September 9, 1992, at 10:00 a.m. at the Payette County Courthouse, 1130 3rd Avenue North, Payette, Idaho 83661. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation

RECEIVED

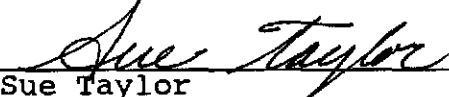
FEB 04 1993

of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 19<sup>th</sup> day of August, 1992.

  
DAVID R. TUTHILL, JR., P. E.  
Manager, Western Regional Office

I hereby certify that on the 19<sup>th</sup> day of August, 1992, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

  
Sue Taylor  
Secretary, Office Coordinator

Certified Mail

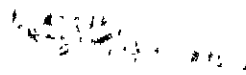
CITY OF FRUITLAND  
PO BOX 324  
FRUITLAND ID 83619

STUDENT LOAN FUND OF ID  
PO BOX 730  
FRUITLAND ID 83619

Non-Certified Mail

JAMES D CARLSON ESQ  
HAMLIN & SASSER PA  
PO BOX 1525  
BOISE ID 83701

MICHAEL E HOLLADAY  
HOLLADAY ENGINEERING  
1431 HWY 95  
PAYETTE ID 83661

  
FEB 04 1993

## CONFERENCE AND HEARING PROCEDURE

### IN THE MATTER OF A PROTESTED APPLICATION FOR PERMIT

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

- 1) Will the proposed use reduce the quantity of water under existing 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 proposed project?
- 5) Will the proposed use conflict with the local public interest?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

### BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1,2,3,4,& 6 above, that is, the applicant has the burden of coming forward with evidence for evaluation of those criteria.

The initial burden of proof on issue 5, local public interest, lies with the both the applicant and protestant as to factors which they are most knowledgeable and cognizant of. The applicant has the ultimate burden of persuasion with respect to this issue.

### PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

### CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

FEB 04 1993

At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

#### HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

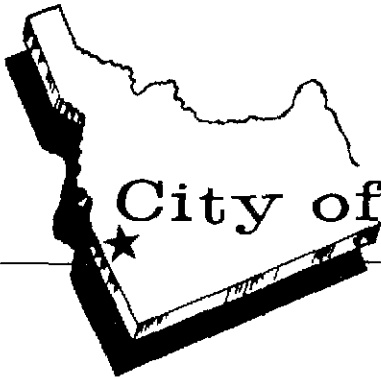
If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not predjudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

#### EXHIBITS

If any party at a hearing intends to present an exhibit to augment the hearing record, such party shall in advance of the hearing, prepare sufficient copies of the exhibit for distribution to all parties at the hearing.



RECEIVED  
AUG 17 1992

Department of Water Resources  
Western Regional Office

Area Code 208  
Phone 452-4421  
FAX 452-6146

200 S. Whitley

P. O. Box 324  
FRUITLAND, IDAHO 83619

14 August 1992

David R. Tuthill, Jr.  
Idaho Dept. of Water Resources  
Western Region  
2735 Airport Way  
Boise, Idaho 83705-5082

RE: Applications for Permit Nos. 65-13351 and 65-13352

Mr. Tuthill:

The City of Fruitland requests a hearing be scheduled concerning the protests filed on the above permit applications.

Sincerely,

Rick S. Watkins, City Administrator

RECEIVED

FEB 04 1993



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

July 20, 1992

MICHAEL E HOLLADAY, CITY ENG.  
CITY OF FRUITLAND  
PO BOX 324  
FRUITLAND ID 83619

Re: Applications for Permit Nos. 65-13351 and 65-13352

Dear Mr. Holladay:

Enclosed please find a copy of a letter provided to this office regarding the status of protests to the above-referenced water right applications. It appears that at this point the protests are still active.

As a next step there are two options. The first option is for the City of Fruitland to withdraw the applications and limit the usage of each well to 2500 gallons per day, which is the maximum amount of diversion for miscellaneous uses allowable without a water right, as defined by Section 42-111, Idaho Code. The second option is to schedule this matter for a hearing.

Enclosed for your convenience are two withdrawal of application forms, should the City decide to proceed with the first option. Please advise this office regarding the manner in which the City wishes to proceed.

Sincerely,

DAVID R. TUTHILL, JR., P.E.  
Manager, Western Regional Office

DRT:st

Encl: Two Withdrawal of Application Forms

FEB 04 1993

ROBERT G. HAMLIN  
M. MICHAEL SASSER  
DAVID SASSER  
PATRICK J. INGLIS  
BARRY PETERS  
JAMES D. CARLSON  
NEAL S. STIVERS  
ROGER J. HALE

HAMLIN & SASSER, P.A.  
ATTORNEYS AT LAW  
HOFF BUILDING, SUITE 601  
802 WEST BANNOCK  
P.O. BOX 1525  
BOISE, IDAHO 83701

TELEPHONE (208) 344-8474  
FAX (208) 344-8479

July 2, 1992

RECEIVED  
JUL - 6 1992

Department of Water Resources  
Western Regional Office

David R. Tuthill, Jr.  
Professional Engineer  
Department of Water Resources  
Western Region  
2735 Airport Way  
Boise, Idaho 83705

Re: Permit Nos. 65-13351 and 65-13352;  
Status of Protest

Dear Mr. Tuthill:

After our conference on April 15, 1992, I sent a letter, dated April 20, 1992, to the city of Fruitland. Enclosed for your review is a copy of this April 20, 1992 letter.

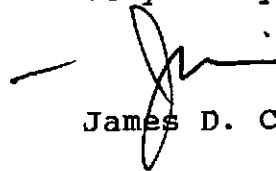
As made clear in the April 20, 1992, letter to the city of Fruitland, the protestant was amenable to submitting the matter to the hearing officer by way of written materials. Additionally, the protestant was interested in a compromise as described in the April 20, 1992 letter.

Despite a request to the city officials to respond to the matters set forth in the letter of April 20, 1992, I have heard nothing from them, either by letter or by a telephone call.

At this point it appears that the city does not desire to resolve this matter by way of stipulation, nor does the city desire to resolve this matter short of a hearing and it appears that a hearing is necessary in this case.

Please do not hesitate to contact me in the event you have any questions or comments.

Very truly yours,



James D. Carlson

JDC:dt  
Enc.

cc Student Loan Fund of Idaho  
2578c^01.L25

1993

ROBERT G. HAMLIN  
M. MICHAEL SASSER  
DAVID SASSER  
PATRICK J. INGLIS  
BARRY PETERS  
JAMES D. CARLSON  
NEALS STIVERS  
ROGER J. HALE

HAMLIN & SASSER, P.A.  
ATTORNEYS AT LAW  
HOFF BUILDING SUITE 601  
802 WEST BANNOCK  
P.O. BOX 1525  
BOISE IDAHO 83701

TELEPHONE (208) 344-8474  
FAX (208) 344-8479

April 20, 1992

JUL - 6 1992

Department of Water Resources  
Western Regional Office

Rick Watkins  
City Administrator  
City of Fruitland  
200 South Whitley  
P. O. Box 324  
Fruitland, Idaho 83619

Re: Permit Nos. 65-13351 and 65-13352; Protests

Dear Rick:

I appreciate you sending me copies of the materials you delivered to the Department of Water Resources Hearing Officer on April 15, 1992.

At the conference on <sup>April</sup> November 15, 1992, the Hearing Officer and I discussed the procedures to be utilized regarding the above-noted protests. As you stated at the conference, the City of Fruitland was only interested in submitting the written materials you delivered to the Hearing Officer. Accordingly, the protestant in this case would also be amenable to submitting this matter to the Hearing Officer by way of written materials. This would obviate the need for a hearing in this matter. In the event the City of Fruitland desires to proceed in this fashion, please advise me as soon as possible and we will enter into a written stipulation regarding the facts of the case. At that point, we could submit the written arguments together with all the written materials to the Hearing Officer for a decision in this matter.

Also at the conference held on April 15, 1992, the Hearing Officer suggested that a compromise of this matter may be order. The protestant is interested in obtaining a stipulation from the City of Fruitland that the aquifer utilized by the Student Loan Fund of Idaho is adequate for the amount of water utilized by the Student Loan Fund, together with a stipulation by the City of Fruitland that the water withdrawn from the wells identified by the above permit numbers will not be used in any fashion which contributes to further pollution of the Snake or Payette Rivers.

FEB 04 1993

COPY

Rick Watkins  
April 20, 1992  
Page 2

In the event the City of Fruitland would stipulate to those two matters, the protestant would withdraw its objections regarding the above-noted permits. Please advise me as to the City's interest in this regard.

If you have any questions or comments regarding this matter please do not hesitate to contact me.

Very truly yours,

James D. Carlson

JDC:dt

3107C^02.L25

APR 04 1993



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

May 29, 1992

JAMES D CARLSON ESQ  
HAMLIN & SASSER PA  
PO BOX 1525  
BOISE ID 83701

RE: Applications for Permit Nos. 65-13351 and 65-13352

Dear Mr. Carlson:

The purpose of this letter is to inquire as to the status of the protest of the above-referenced applications.

Please bring us up to date on this matter as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

DAVID R. TUTHILL, JR., P.E.  
Manager, Western Regional Office

DRT:st

FILED 04 1993

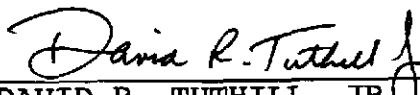
BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR )  
PERMIT NOS. 65-13351 & 65-13352 ) NOTICE OF CONFERENCE  
IN THE NAME OF CITY OF FRUITLAND )

On November 22, 1991, the City of Fruitland filed with the Department of Water Resources applications for permit nos. 65-13351 and 65-13352 to appropriate the public waters of the State of Idaho. The applications were protested by Student Loan Fund of Idaho.

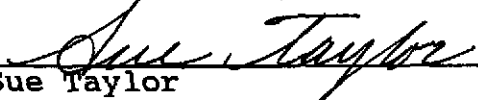
The Department has set the matter of protest for a conference to be held on April 15, 1992, at 10:00 a.m., in the Payette County Courthouse, 1130 3rd Ave. N., Payette, ID 83661. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 20<sup>th</sup> day of March, 1992.

  
\_\_\_\_\_  
DAVID R. TUTHILL, JR. P. E.  
Manager, Western Regional Office

FEB 04 1993

I hereby certify that on the 20<sup>th</sup> day of March, 1992, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

  
Sue Taylor  
Secretary

Certified Mail

City of Fruitland  
PO Box 324  
Fruitland, ID 83619

Student Loan Fund of ID  
PO Box 730  
Fruitland, ID 83619

Non-Certified Mail

James D. Carlson, Esq.  
Hamlin & Sasser, P.A.  
PO Box 1525  
Boise ID 83701

Michael E. Holladay  
Holladay Engineering  
1431 Hwy 95  
Payette ID 83661

## CONFERENCE AND HEARING PROCEDURE

### IN THE MATTER OF A PROTESTED APPLICATION FOR PERMIT

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

- 1) Will the proposed use reduce the quantity of water under existing 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 proposed project?
- 5) Will the proposed use conflict with the local public interest?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

### BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1,2,3,4,& 6 above, that is, the applicant has the burden of coming forward with evidence for evaluation of those criteria.

The initial burden of proof on issue 5, local public interest, lies with the both the applicant and protestant as to factors which they are most knowledgeable and cognizant of. The applicant has the ultimate burden of persuasion with respect to this issue.

### PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

### CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

#### HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not predjudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

#### EXHIBITS

If any party at a hearing intends to present an exhibit to augment the hearing record, such party shall in advance of the hearing, prepare sufficient copies of the exhibit for distribution to all parties at the hearing.



✓ Don  
File

RECEIVED  
FEB 05 1992

Department of Water Resources  
Western Regional Office

Area Code 208  
Phone 452-4421  
FAX 452-6146

200 S Whitley

P. O. Box 324  
FRUITLAND, IDAHO 83619

James D. Carlson  
Hamlin & Sasser, P.A.  
PO Box 1525  
Boise, Idaho 83701

03 February 1992

RE: Application for Permits: Nos. 65-13351 and 65-13352

Dear Mr. Carlson,

Thank you for your letter of January 31, 1992 offering to meet and discuss the above mentioned permits.

We are more than willing to meet at Fruitland City Hall at your convenience. However, we will only meet with the protestant, Carroll Lee Lawhorn - Executive Director of Student Loan Fund of Idaho.

Please advise when Mr. Lawhorn is ready to meet.

*Joseph P. Wozniak*  
Joseph P. Wozniak, Mayor

cc: Carroll Lee Lawhorn  
David R. Tuthill, Jr. ✓

ROBERT G. HAMLIN  
MICHAEL SASSER  
DAVID SASSER  
PATRICK J. INGLIS  
BARRY PETERS  
JAMES D. CARLSON  
NEALS STIVERS

Department of Water Resources  
Western Regional Office

FEB 05 1992  
HAMLIN & SASSER, P.A.  
ATTORNEYS AT LAW  
HOFF BUILDING SUITE 601  
802 WEST BANNOCK  
PO BOX 1525  
BOISE IDAHO 83701

TELEPHONE (208) 344-8474  
FAX (208) 344-8479

January 31, 1992

Mayor Joseph P. Wozniak  
City of Fruitland  
200 South Whitley Drive  
P. O. Box 324  
Fruitland, Idaho 83619

Re: Application for Permits; Nos. 65-13351 and 65-13352

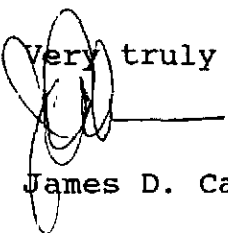
Dear Mayor Wozniak:

In accordance with procedures established by the Department of Water Resources in the above-entitled matter, and as suggested by the Department in its letter of January 7, 1991, I would like an opportunity to meet with you on behalf of the Student Loan Fund of Idaho and determine what is proposed by the applications and discuss these matters with you.

Please advise me of a suitable date, time, and place for such actions. I look forward to hearing from you prior to the February 11, 1992, deadline set by the Department.

If you have any questions or comments or wish to discuss arrangements for such a meeting, please do not hesitate to contact me.

Very truly yours,

  
James D. Carlson

JDC:dt

cc Student Loan Fund of Idaho

3107C^01.L25

RECEIVED

JAN 22 1992

HAMLIN & SASSER, P.A.  
ATTORNEYS AT LAW  
HOFF BUILDING SUITE 601  
802 WEST BANNOCK  
P O BOX 1525  
BOISE IDAHO 83701

ROBERT G. HAMLIN  
M. MICHAEL SASSER  
DAVID SASSER  
PATRICK J. INGLIS  
BARRY PETERS  
JAMES D. CARLSON  
NEALS STIVERS  
ROGER J. HALES

Department of Water Resources  
Western Regional Office

TELEPHONE (208) 344-8474  
FAX (208) 344-8479

January 21, 1992

*Dnr*  
David R. Tuthill, Jr.  
Professional Engineer  
Department of Water Resources  
Western Region  
2735 Airport Way  
Boise, Idaho 83705

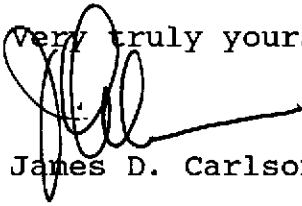
Re: Notice of Appearance and Continuance  
for Contact with Applicant

Dear Mr. Tuthill:

In accordance with our telephone conversation of January 15, 1992, please find enclosed a Notice of Appearance regarding Permit Nos. 65-13351 and 65-13352. Also, as we discussed, the Executive Director of the Student Loan Fund will be unavailable to contact the applicant as requested within the 20 day time period stated in your letter of January 7, 1991. We appreciate your setting the last date to advise your office of a resolution, if that should occur, on February 11, 1992.

If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

  
James D. Carlson

JDC:dt  
Enc.

cc Student Loan Fund

2578C\*01.L25

FEB 04 1993

James D. Carlson  
HAMLIN & SASSER, P.A.  
Attorney at Law  
Hoff Building  
802 W. Bannock, Suite 601  
P. O. Box 1525  
Boise, Idaho 83701  
Telephone No. (208) 344-8474

Attorneys for Defendant

In the Matter of

Permit Nos. 65-13351 and  
65-13352

Case No. \_\_\_\_\_

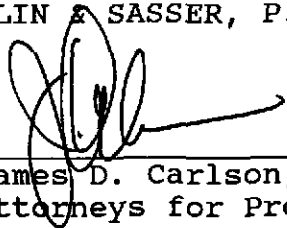
**NOTICE OF APPEARANCE**

TO: Department of Water Resources:

PLEASE TAKE NOTICE that the undersigned hereby appears as attorney of record for the Protestant, Student Loan Fund of Idaho, in the above-entitled matter, preserving all defenses and objections which the Protestant may have to the Applicant's Permit Applications above noted.

DATED this 21st day of January, 1992.

HAMLIN & SASSER, P.A.

By   
James D. Carlson, Of the Firm  
Attorneys for Protestant

NOTICE OF APPEARANCE - 1.

FEB 04 1993

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 21st day of January, 1991,  
I served a true and correct copy of the foregoing upon:

Department of Water Resources  
2735 Airport Way  
Boise, Idaho 83705

by depositing same in the United States mail, postage prepaid, in  
an envelope addressed to above named entity at the foregoing  
address.

Deborah L. Taylor  
Deborah L. Taylor

2578C^02.P25

NOTICE OF APPEARANCE - 2.

RECEIVED  
FEB 04 1993



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 7, 1991

STUDENT LOAN FUND OF ID  
PO BOX 730  
FRUITLAND ID 83619

Re: Applications for Permit Nos. 65-13351 & 65-13352 in the  
Name of City of Fruitland

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced applications. The Department suggests you contact the applicant(s) 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. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-1203, 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,

DAVID R. TUTHILL, JR., P. E.  
Manager, Western Regional Office

DRT/st

RECEIVED

FEB 04 1993



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 7, 1992

CITY OF FRUITLAND  
PO BOX 324  
FRUITLAND ID 83619

Re: Application for Permit No. 65-13351 & 65-13352

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced applications. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, 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,

DAVID R. TUTHILL, JR., P.E.  
Manager, Western Regional Office

Enclosure: Copy of protest(s)

RECEIVED

FEB 04 1993

JAN - 3 - 92 FRI 10:50 AM

ROBERT G. HAMLIN  
M. MICHAEL SASSER  
DAVID SASSER  
PATRICK J. INGLIS  
BARRY PATRICK  
RENE FITZPATRICK-MARTIN  
JAMES D. CARLSON

HAMLIN & SASSER, P.A.  
ATTORNEYS AT LAW  
HOFF BUILDING, SUITE 801  
802 WEST BANNOCK  
P.O. BOX 1525  
BOISE, IDAHO 83701

TELEPHONE (208) 344-8474  
FAX (208) 344-8479

FAX (208) 344-8479

DATE: January 3, 1992

3:50 PM  
TIME SENT.

PLEASE DELIVER THE FOLLOWING PAGES TO:

|            |                                      |
|------------|--------------------------------------|
| NAME:      | <u>K. Keith Higginson, Director</u>  |
| FIRM:      | <u>Department of Water Resources</u> |
| CITY:      |                                      |
| TELEPHONE: |                                      |
| FAX NO:    | <u>334-2348</u>                      |

FILE NO: 90 2578 SLIF Gen Rep

FROM:

|                                                             |                      |
|-------------------------------------------------------------|----------------------|
| NAME:                                                       | <u>James Carlson</u> |
| TOTAL NUMBER OF PAGES <u>3</u> , INCLUDING THIS COVER PAGE. |                      |

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL

Debra AT (208) 344-8474

MESSAGE: Per your Secretary's instruction, this fax  
constitutes a timely filing of the protest

FEB 04 1993

PLEASE DELIVER IMMEDIATELY!

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If you have received this communication in error, please immediately notify us by telephone to arrange for return of the original documents to us. Thank you.

JAN- 3-92 FRI 15:00

SLF: INC

FAX 14525007

P. 02

**RECEIVED**

JAN - 3 1992



Department of Water Resources

Western Regional Office

**STUDENT LOAN FUND OF IDAHO, INC.**

P.O. BOX 730, FRUITLAND, IDAHO 83616. (208) 462-6058

January 2, 1992

R. Keith Higginson, Director  
 Department of Water Resources  
 Western Region  
 2735 Airport Way  
 Boise ID 83705

RE: Protests to Application for Water Right  
 No. 65-13351 and 65-13352

Dear Director Higginson:

Please consider this correspondence to be written protests against the approval of Application Nos. 65-13351 and 65-13352. In accordance with Idaho Code Section 42-203A(4), the Student Loan Fund of Idaho, Inc. on behalf of itself and other like situated citizens of the county of Payette, files these written protests against the approval of the above-described applications. The objections to the approval of the applications can be clearly stated as follows:

- a. That the proposed use will conflict with the local public interest and the affairs of the people in the area affected by the proposed use.
- b. That the proposed use is contrary to the conservation of water resources.
- c. That the water supply itself is insufficient for the purpose for which it is sought to be appropriated based upon statements of protest by Mayor Joseph P. Wozniak to Department of Water Resources concerning application for permit number 65-12812.

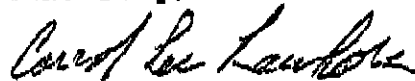
FEB 04 1992

It is the position of the protestant and other citizens that public ground waters of the state of Idaho should not be utilized at the Snake River Lagoon Sewer System and the Payette River Lagoon Sewer System to clean up and wash down equipment and restrooms, for the emergency wash down, or for "polymer addition."

R. Keith Higginson, Director  
January 2, 1992  
Page 2

The city of Fruitland should not seek to reduce the quantity of ground water available by drilling wells but should seek to utilize some of its discharge from the two waste water treatment plants. Given that the city treatment plants emit hundreds of thousands of gallons of water per day into both the Snake and Payette Rivers, the City of Fruitland has an existing, adequate, and suitable source of water for its proposed uses. If the treated water is good enough to be discharged into the Snake and Payette Rivers for use by other citizens, then it is good enough to be used by the City for those uses set forth in the applications.

Sincerely,



Carrol Lee Lawhorn  
Executive Director

FEB 04 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: lw DATE: 11/27/91 APPLICATION: 65-13352

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:  
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)  
☒ Fee:  
☒ Yes ☐ No\* In form to receipt:

Gov't. Lots:  
☒ P/D  
☒ P/U

ADDITIONAL INFORMATION

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on the back.)  
☒ ☐ Overlapping point of diversion:  
☐ ☐ Field check required: Field check by: \_\_\_\_\_  
☐ ☐ Field report attached:  
☐ ☒ Critical groundwater area:  
☐ ☒ Groundwater management area:  
☐ ☒ Diversion within interim protected river area  
☐ ☒ Send dam safety information:  
☐ ☒ Send power requirement letter:  
☐ ☒ Send fish farm requirement letter:  
☐ ☒ Power residency affidavit:  
☐ ☒ Power efficiency form:  
☐ ☒ Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)  
☐ ☒ 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

☒ ☐ DATE REQUESTED: \_\_\_\_\_  
Additional information on reverse side:

NOV 20 1992

Department of Water Resources

## PROCESSING

APPLICATION NO.

65-13352

YES NO

☒ ☒  
☒ ☒  
☒ ☒

In form for advertising:

Statewide advertising:

Fee amount, receipt number and date recorded on application:

## SEND COPIES TO

YES NO

☒ ☒  
☒ ☒  
☒ ☒  
☒ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☒ ☒  
☒ ☒  
☒ ☒  
☒ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. #

Other

## FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☒  
☒ ☒

Affidavit of publication received:

Application published correctly: If not, record action taken.

☒ ☒  
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☒ ☒

Publication dates and paper recorded on application:

Protests received. Final date for protest

January 6, 1982

Protest dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter:

See below for additional information

Recommended Date or Priority

Recommended by:

Date

## STATE OFFICE REVIEW

See below for additional information. By

Date

## ADDITIONAL INFORMATION

OVERLAP INFO:

P/W  
65-06455 - GWP/D  
65-06455

SPECIAL NOTE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROTEST INFORMATION SHEET

Protestant - Name(s)

Student Loan Fund of Idaho, Carrol Lee Lawhorn

Address PO Box 730, Fruitland, ID 83619

Attorney - Name & Address \_\_\_\_\_

Date Filed 11-22-91

Protest Date 1-3-92

Issues \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant - Attorney - Name & Address \_\_\_\_\_  
\_\_\_\_\_

Dates: \_\_\_\_\_

Acknowledgement letters: \_\_\_\_\_

Hearing Notice: \_\_\_\_\_

Hearing Date: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other: \_\_\_\_\_  
\_\_\_\_\_

FEB 04 1993

Protest Information submitted in Computer (following hearing): \_\_\_\_\_



# HOLLADAY ENGINEERING CO.

ENGINEERS • CONSULTANTS

1431 Bus. Alt.-Hwy. 95

P.O. Box 211

Payette, ID 83661

(208) 642-3304

NOV 23 1991

Department of Water Resources  
Western Regional Office

November 20, 1991

Dave Tuthill *DT*  
Western Regional Office  
Dept. of Water Resources  
1301 North Orchard  
Boise, Idaho 83720

Re: City of Fruitland Wastewater Treatment Plant Improvement  
Project Project Nos. 090891 & 021285

Dear Mr. Tuthill:

Attached for your review and action are 3 Drilling Permits and 2 Water Rights, along with 3 requests to expedite the Drilling Permits. In the process of working on the wastewater treatment facility improvements for the City of Fruitland, due to compliance orders from the State and Federal government, we have overlooked the requirement to file drilling permits and water rights for three small wells to be used for wastewater treatment facility improvements. The wells are designed to provide cleanup and minor process water for both the Snake River Lagoon system and the Payette River Lagoon system. Bill Doty, of Doty Drilling, will be doing the work as soon as we have verbal permission from your office.

I apologize for the inconvenience, but it is simply an oversight on my part because of the other problems involved with getting the system upgraded. The Water Rights are not a problem, they can go through the normal channels, but the Drilling Permits are needed as soon as you can get them out. If I can be of any help or answer any questions, please call.

Sincerely,  
HOLLADAY ENGINEERING CO.

*Michael E. Holladay*  
Michael E. Holladay, P.E.

cc: City of Fruitland  
Rick Watkins  
Jerry Campbell  
Bob Thompson  
Bill Doty  
Rick Huddleston, DEQ  
Bill Chamberlin, EPA

FEB 04 1992

RECEIPT  
For Monies Paid  
to the  
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: W013910

Date: 11/22 1991  
Time: 13:52:11

Received

From: HOLLADAY ENGINEERING CO.

| Type of Payment        | Program Acct Class | Amount   |
|------------------------|--------------------|----------|
| APPLICATION FOR PERMIT | 520189 1238 6390   | 60.00    |
| DRILLING PERMITS       | 520350 1238 6390   | 105.00   |
| Total                  |                    | \$165.00 |

CHECK 9240

Region: WESTERN

Signature: Jeri Harris

65-13352

CITY OF FRUITLAND  
PO BOX 324  
FRUITLAND, ID 83619

Source: GROUNDWATER

Diversion Pt: LOT 1 (SESESE) Sec 21 T 08N R 05W in PAYETTE County.

Use: INDUSTRIAL ( .020 CFS)  
Total Diversion: ( .020 CFS)

Date Filed: 11/22/1991

In T08N R05W S21 Lot 1(MESE) Lot 1(SESE)  
~~Place of use within city limits of Fruitland.~~