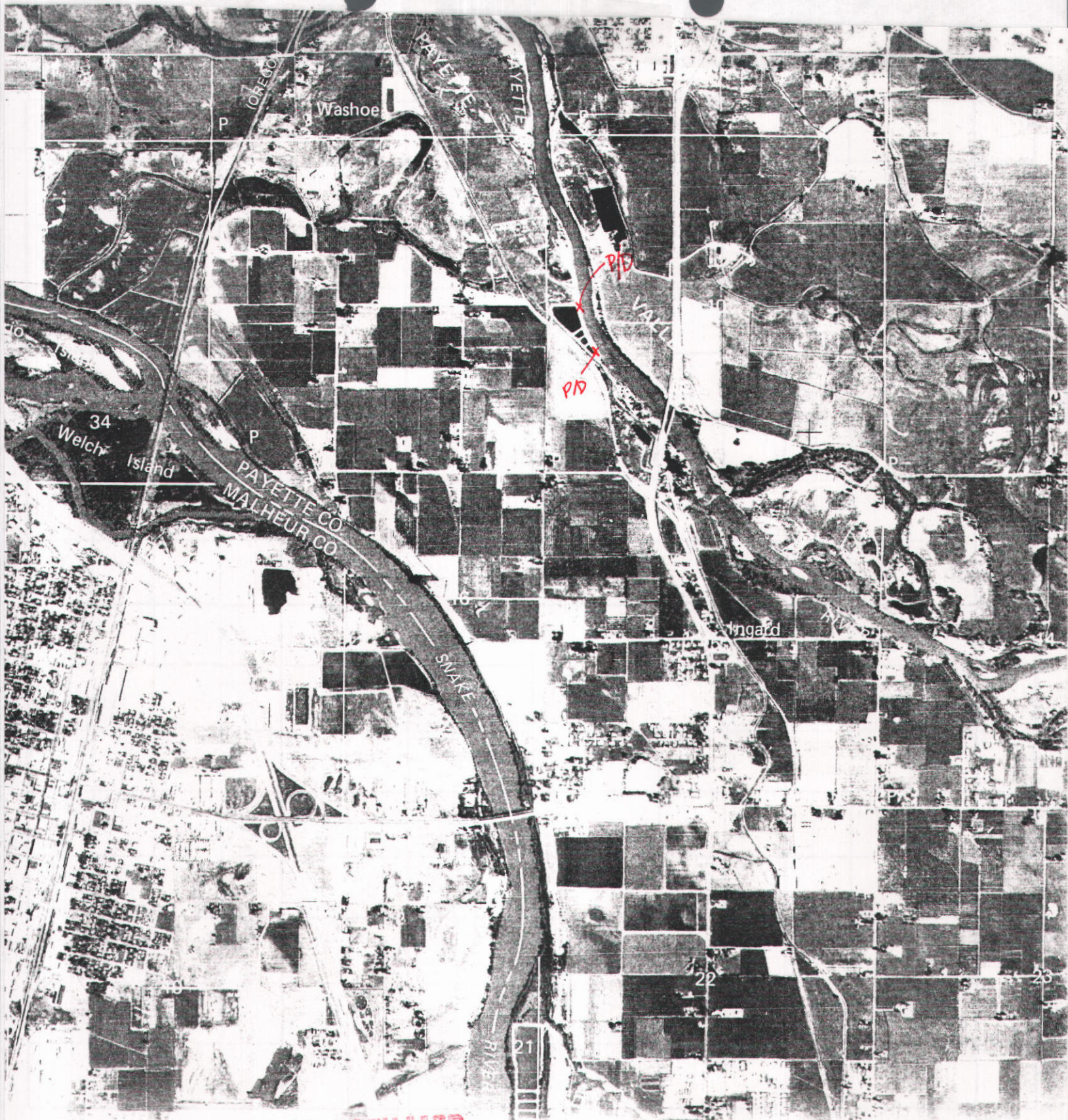




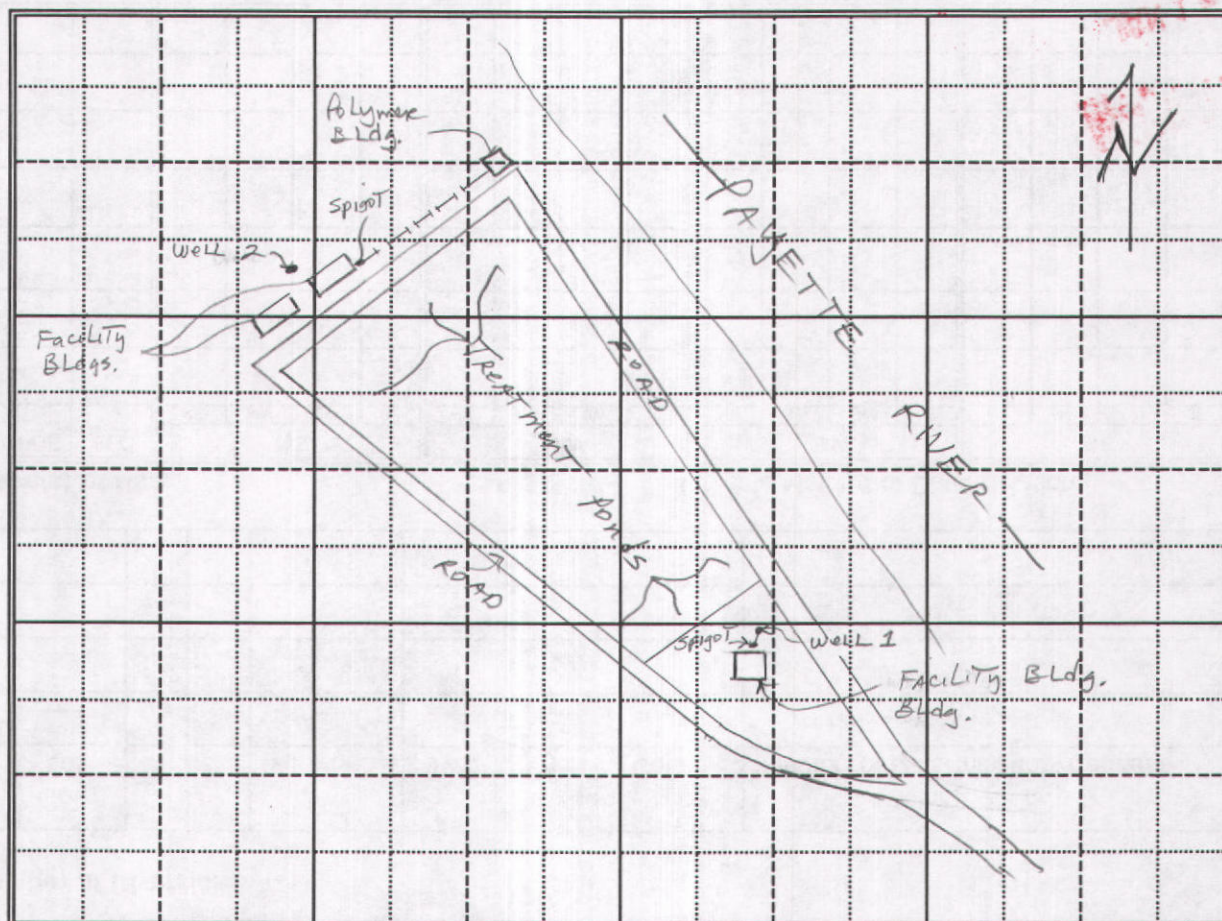
MICROFILMED 8N 5W SEC 10 GOV tt 8

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.

DEC 15 1992

Michael E. Holladay
(Applicant)
City Engineer

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	^{model} Motor Serial No.	Pump Make	^{model} Pump Serial No. or Discharge Size
	FRANKLIN	1/2	2801054910	STA-RITE	10P4C02T-01

*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
5 GALLON BUCKET						

2. Measurements:

Well No. 1 - 20 gpm $\approx$ 0.04 CFS

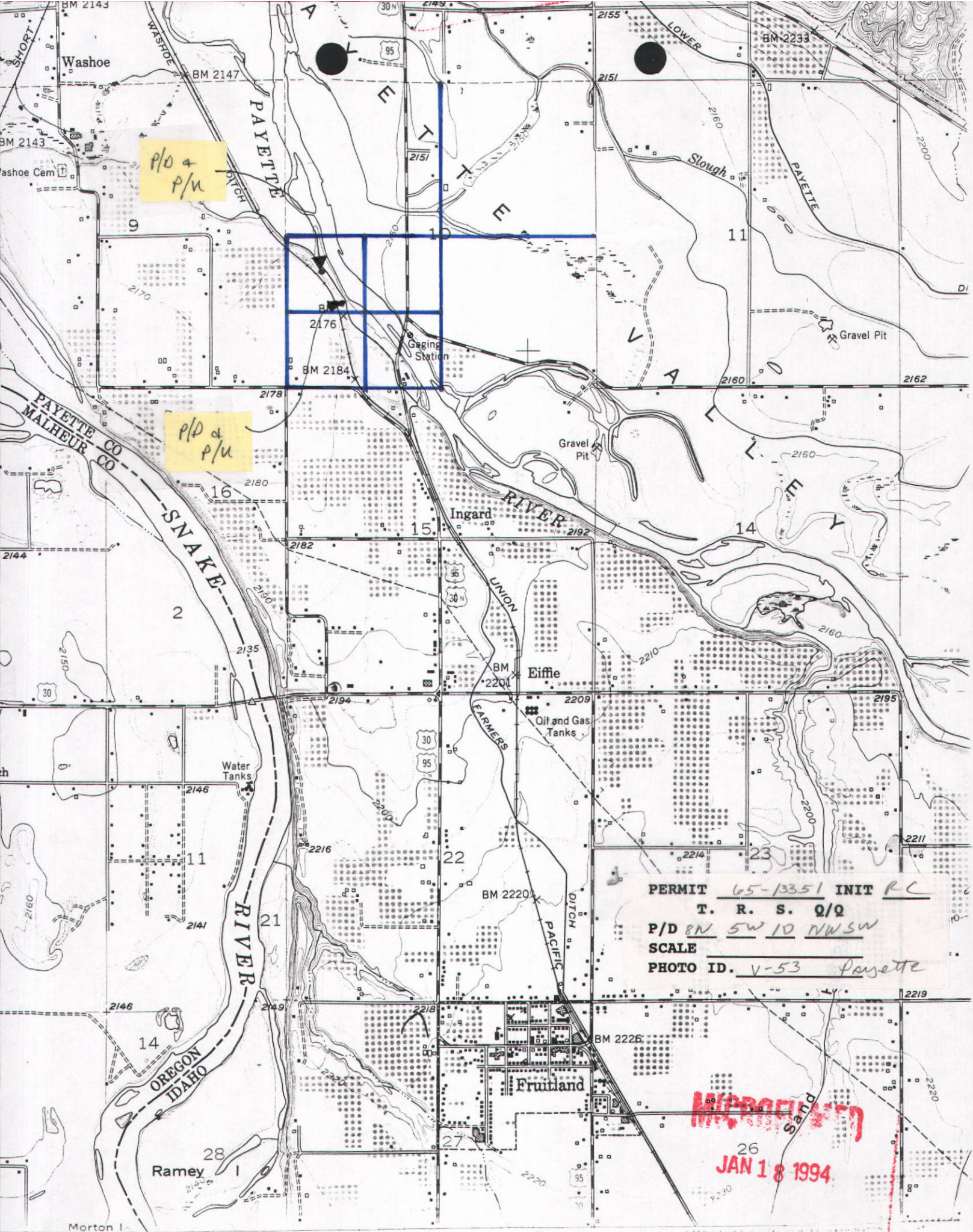
Well No. 2 - 6 gpm $\approx$ 0.01 CFS

Department of Water Resources

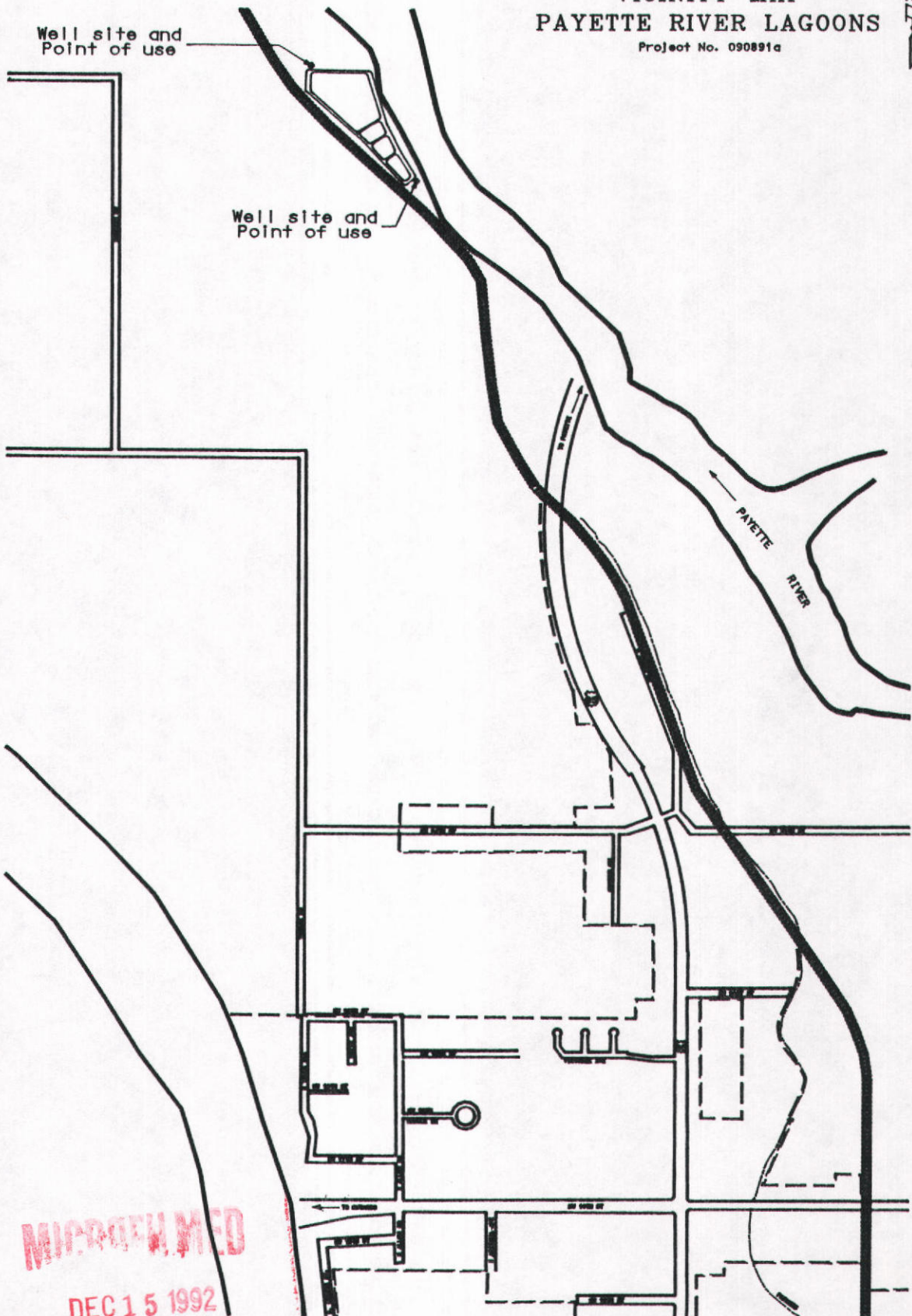
JAN 1 1984

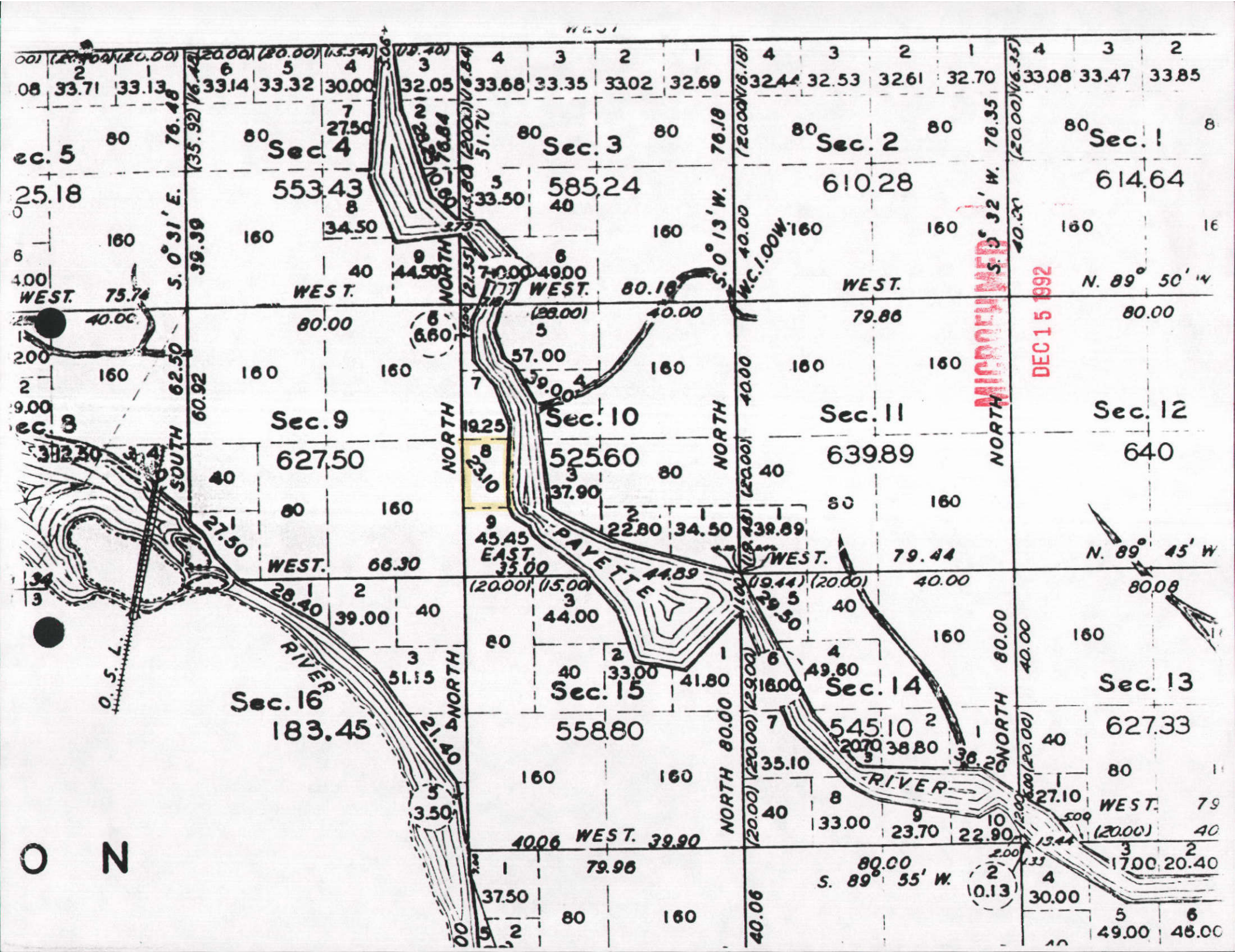
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JAN 1 1984



CITY OF FRUITLAND
VICINITY MAP
PAYETTE RIVER LAGOONS
Project No. 090891a





State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-13351

Priority: November 22, 1991 Maximum Diversion Rate: 0.04 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 .050 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	0.04 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 8(NWNWSW), Sec. 10, Township 08N, Range 05W
Lot 8(SENWSW), Sec. 10, Township 08N, Range 05W
PAYETTE County

PLACE OF USE: INDUSTRIAL
TWN RGE SEC
08N 05W 10 Lot 8(NWSW)

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, restroom facilities, emergency washdown, and the polymer addition process at a wastewater treatment facility.
6. Place of use known as the Payette River Wastewater Treatment Facilities.
7. Two points of diversion are located within NWSW, S10, T08N, R05W.

RECORDED

JAN 18 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-13351

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 29TH
day of DECEMBER, 1993.

Acting for

R. Keith Higginson, Director

RECEIVED

JAN 18 1994

08/ **RECEIVED****DEC 15 1992**

Department of Water Resources

For Office Use Only

Amt. of Fee \$ _____

Date _____

Receipt No. _____

Received by _____

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 use(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. 65-13351Telephone No. (208) 452-4421Name(s) of Permit Holder(s): City of FruitlandPost Office Address: P.O. Box 324 Fruitland, Idaho 83619Source of Water Ground WaterIf ground water, well driller's name: Bill Doty Drilling Co., Inc. Date drilled December 2, 1991

Extent of Use

Domestic _____ (No. of households)

Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock)

Other WasteWater Treatment PlantOperationsTotal rate and/or volume for which proof is submitted 0.04 cfs _____ acre/feetShow date water was first diverted and beneficially used under this permit: December 16, 1991

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

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

Jerry Campbell(208) 452-4421

Name

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

FEB 04 199312-15-92

Date

Rick S. Watkins City Clerk

Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13351

Proposed Priority: November 22, 1991 Maximum Diversion Rate: 0.04 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	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 8(NWNWSW), Sec. 10, Township 08N, Range 05W
Lot 8(SENWSW), Sec. 10, Township 08N, Range 05W
PAYETTE County

PLACE OF USE: INDUSTRIAL
TWN RGE SEC

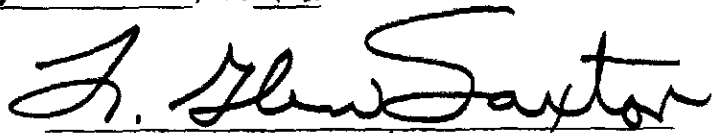
08N 05W 10 Lot 8(NWSW)

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, restroom facilities, emergency washdown, and the polymer addition process at a wastewater treatment facility.
4. Place of use known as the Payette River Wastewater Treatment Facilities.
5. Water Right No. 65-13351 has two points of diversion.

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

14th day of December, 1992


R. Keith Higginson, Director
for

RECEIVED

J 15 1992

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

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DEC 15 1992

CERTIFICATE OF MAILING

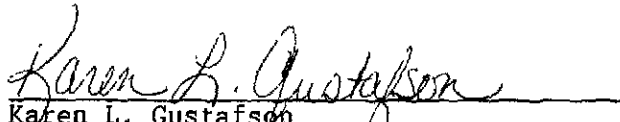
I HEREBY CERTIFY that on this 14th day of December, 1992, I mailed a true and correct copy, postage prepaid, of the foregoing Final Order Adopting the Proposed Memorandum Decision to the following:

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

DEC 15 1992

DEC 15 1992

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.

MICROFILMED

DEC 15 1992

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

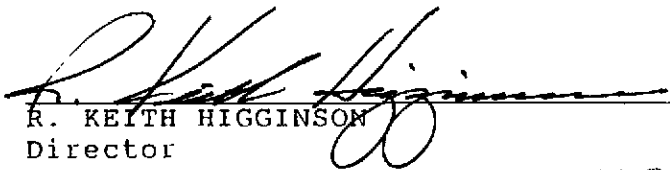
All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

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

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DEC 15 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

City of Fruitland,

Applicant,

Student Loan Fund of Idaho, Inc.

Protestant.

SOURCE: GROUNDWATER

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,

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DEC 15 1992

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,

(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

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

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.

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 26th day of November, 1992.


L. GLEN SAXTON, Hearing officer

CERTIFICATE OF MAILING

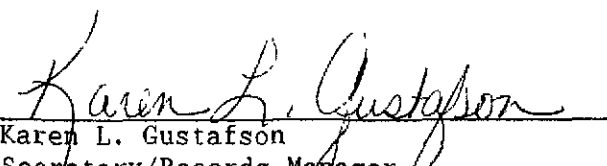
I HEREBY CERTIFY that on this 20th day of November, 1992, I mailed a true and correct copy, postage prepaid, of the foregoing Proposed Memorandum Decision and Order and Order Issuing the Proposed Memorandum Decision and Order to the following:

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

85-030-015-113

DEC 15 1992

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FERN 202
8785

NOV 22 1991

Ident No 65-13351

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Department of Water Resources
Western Regional Office

To appropriate the public waters of the State of Idaho

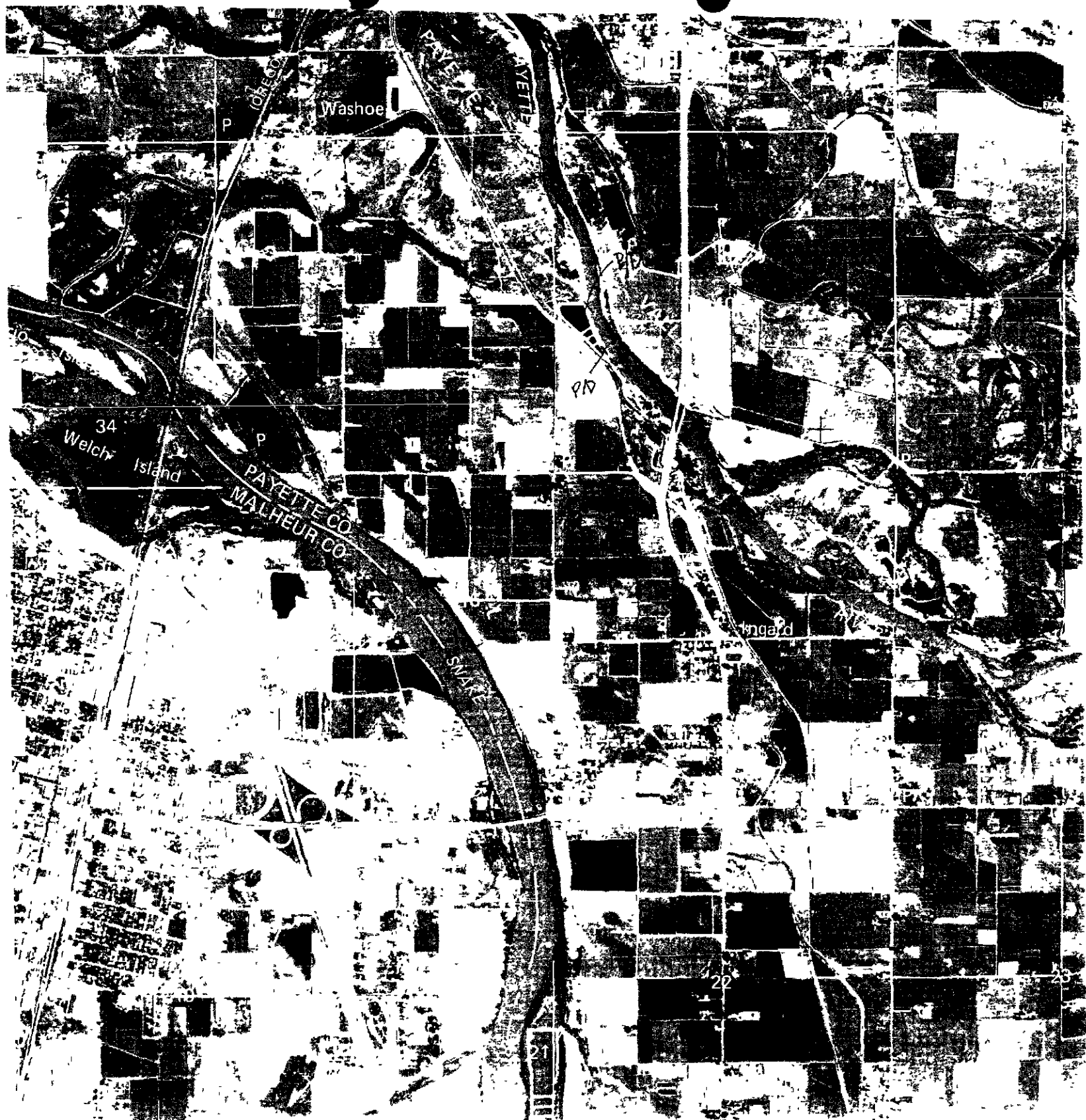
- 1 Name of applicant City of Fruitland (1) Phone 452-4421
Post office address P.O. Box 324, Fruitland, Idaho 83619
- 2 Source of water supply Groundwater which is a tributary of _____
- 3 Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot 8
* Sec. 10 Township 8N Range 5W B.M. Payette County; additional
points of diversion if any: NW $\frac{1}{4}$, NW $\frac{1}{2}$, SW $\frac{1}{2}$, Sec. 10, T8N, R5W, B.M.
- 4 Water will be used for the following purposes.
INDUSTRIAL
Amount 0.04 cfs for 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) 0.04 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 20 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) Payette River Wastewater Treatment Facilities

DEC 15 1991

* confirmed with maps. LW 11/27/91



8N 5W SEC 10 GOV 4 8

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

DEC 15 1912

Michael E. Holladay
(Applicant)
City Engineer

8 Description of proposed uses (If irrigation only, go to item 9)

- a Hydropower, show total feet of head and proposed capacity in KW _____
- b Stockwatering; list number and kind of livestock _____
- c Municipal; show name of municipality. _____
- d Domestic; show number of households _____
- e Other, describe fully. For use at wastewater treatment facility, cleanup and washdown of equipment, restrooms, emergency washdown and polymer addition

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

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8N	5W	10										I							

~~PAK WITHIN CITY LIMITS OF
FRUITLAND~~

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

DEC 15 1992

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 Permits # 65-W-91-152 & 65-W-91-153
INDUSTRIAL USE IS FOR CLEANUP AND WASHDOWN OF
EQUIPMENT, RESTROOMS, EMERGENCY WASHDOWN AND POLYMER
ADDITION OF WASTE WATER TREATMENT FACILITY

Received by CY4 Date 12-22-91 Time 1100 Prelim check by CLW
Fee \$ 300 Receipted by ALV # W013910 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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DEC 15 1992



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 30, 1993

CITY OF FRUITLAND
PO BOX 324
FRUITLAND ID 83619

RE: WATER RIGHT NO. 65-13351

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson'.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

RECEIVED

JAN 18 1994

DATE: 12/07/93
PAGE: 1

Date: 12/16/1992 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd

LICENSE REVIEW CHECKLIST

Permit # 65-13351 Date 12-7-93 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> ☒	Incorrect Fee for rate recommended?
SOURCE	<u> </u>	<u> </u> ☒	Changes? Clarification of Originally Intended source
	<u> </u>	<u> </u> ☒	Notice of Intent to Void - Source change.
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 done? <u>5 GALLON Bucket</u>
	<u> </u>	<u> </u>	<u>Well #1 @ 20 gpm = .04</u>
	<u> </u>	<u> </u>	<u>Well #2 @ 6 gpm = .01</u>
	<u> </u>	<u> </u>	Theoretical 8.8 x .70 x .5
	<u> </u>	<u> </u>	+ 2.31 x
	<u> </u>	<u> </u>	Capacity <u>.05</u>
	<u> </u>	<u> </u>	Allowable Amount: <u>Permit limit @ .04</u>
TOTAL VOLUME			Season of Use: <u>1-1 to 12-31</u>
	<u> </u>	<u> </u> ☒	Calculations: <u>Estimated same as internal domestic at .6</u>
			Flow limit: <u>.04 x 365 x 1.9835 = 28.9</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>W32</u>
	<u> </u>	<u> </u> ☒	Special Overlap <u> </u>
	<u> </u>	<u> </u> ☒	Other <u> </u>
CONDITIONS	<u> </u>	<u> </u> ☒	Measuring/Locking Devices
	<u> </u>	<u> </u> ☒	W/Master Control
	<u> </u>	<u> </u> ☒	Irrigation Overlap <u>11-22-91</u> App Rec'd
	<u> </u>	<u> </u> ☒	Water Quality <u>5-25-93</u> Exam Made

COMMENTS:

RECOMMENDED	CFS	DIV VOL	LICENSE
<u>Industrial</u>	<u>.04</u>	<u>.6</u>	<u> </u> ☒
<u> </u>	<u> </u>	<u> </u>	1ST AMEND LETTER <u> </u>
<u> </u>	<u> </u>	<u> </u>	2ND AMEND LETTER <u> </u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUL 09 1993
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-13351

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: to groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 65-00066

2. Other water rights with the same point of diversion: 65-06698

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
	8	NW	NW	SW	10	8N	5W	Payette	AERIAL MAP
	8	SE	NW	SW	10	8N	5W	Payette	" "

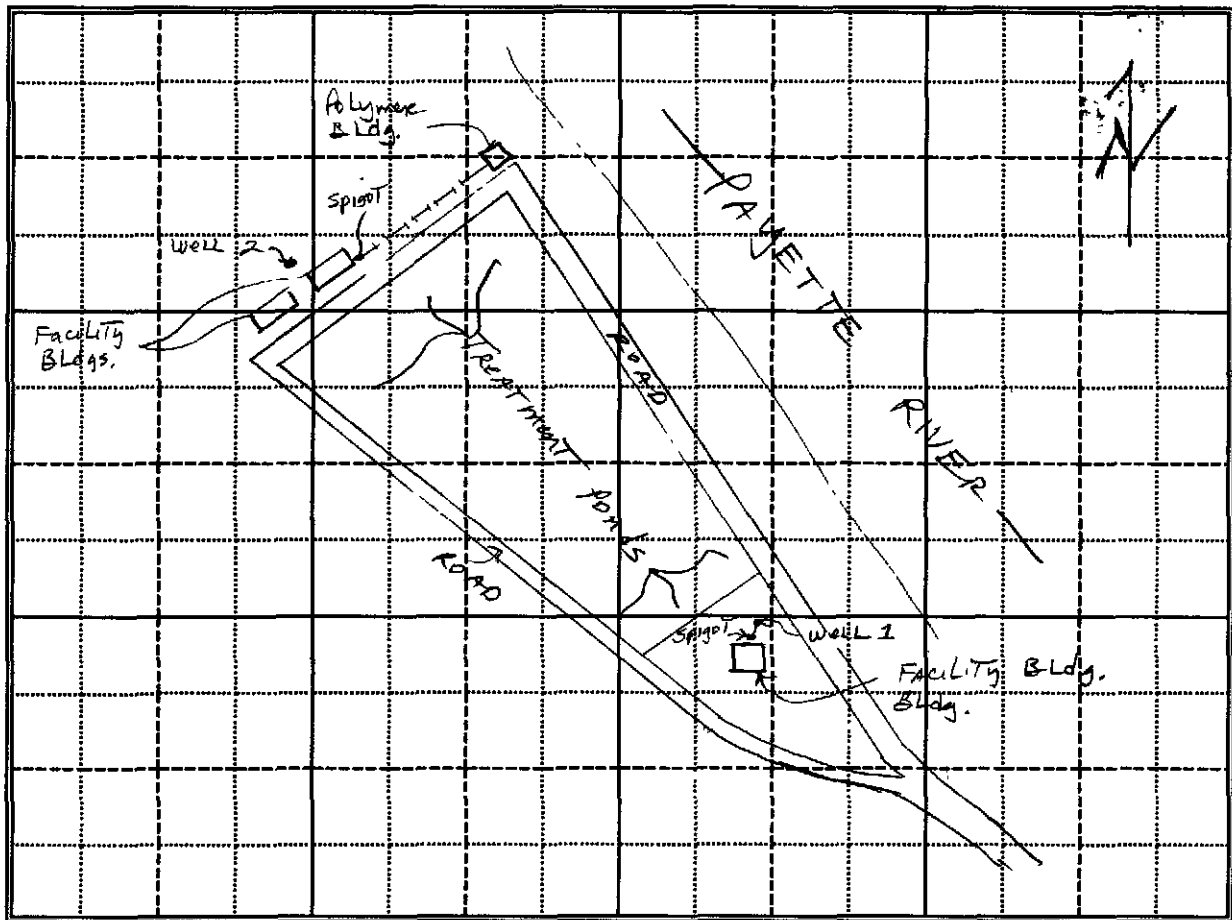
2. Place(s) of Use:

Indicate Method of Determination SAME AS HD

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	10									Ind.								

MAILED
JAN 18 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 Quadrange 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	^{model} Motor Serial No.	Pump Make	^{model} Pump Serial No. or Discharge Size
	FRANKLIN	1/2	2801054910	STA-RITE	10P4C02T-01

*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
5 GALLON BUCKET						

2. Measurements:

Well No 1 - 20 gpm ≈ 0.04 CFS

Well No. 2 - 6 gpm ≈ 0.01 CFS

E. NARRATIVE/REMARKS/COMMENTS

OVERLAPS: P/D - same RQ but different source
P/K - same RQ but different use.

Two separate wells used for industrial use only,
mainly cleanup.

~~measured flow~~ maximum measured flow was just
over 0.04 CFS. Recommend Licensing as requested
on permit for 0.04 CFS.

$$Q = \frac{(8.8)(0.70)(0.5)}{15} = 0.21 \text{ CFS}$$

$$Q = \frac{(8.8)(0.70)(0.5)}{(10+34) \times 2.31} = 0.03 \text{ CFS}$$

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

RECEIVED

JAN 18 1994

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

5 gallon Bucket

Well No. 1 5 gal/15 sec = 20 gpm $\approx$ 0.04 cfsWell No. 2 5 gal/50 sec = 6 gpm $\approx$ 0.01 cfs**G. VOLUME CALCULATIONS** N/A

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

Since water use is minimal and no storage tanks are used,
Assumed $V = 0.6$ AFA

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Industrial	1/1	12/31	0.04	0.6
Totals:			0.04	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

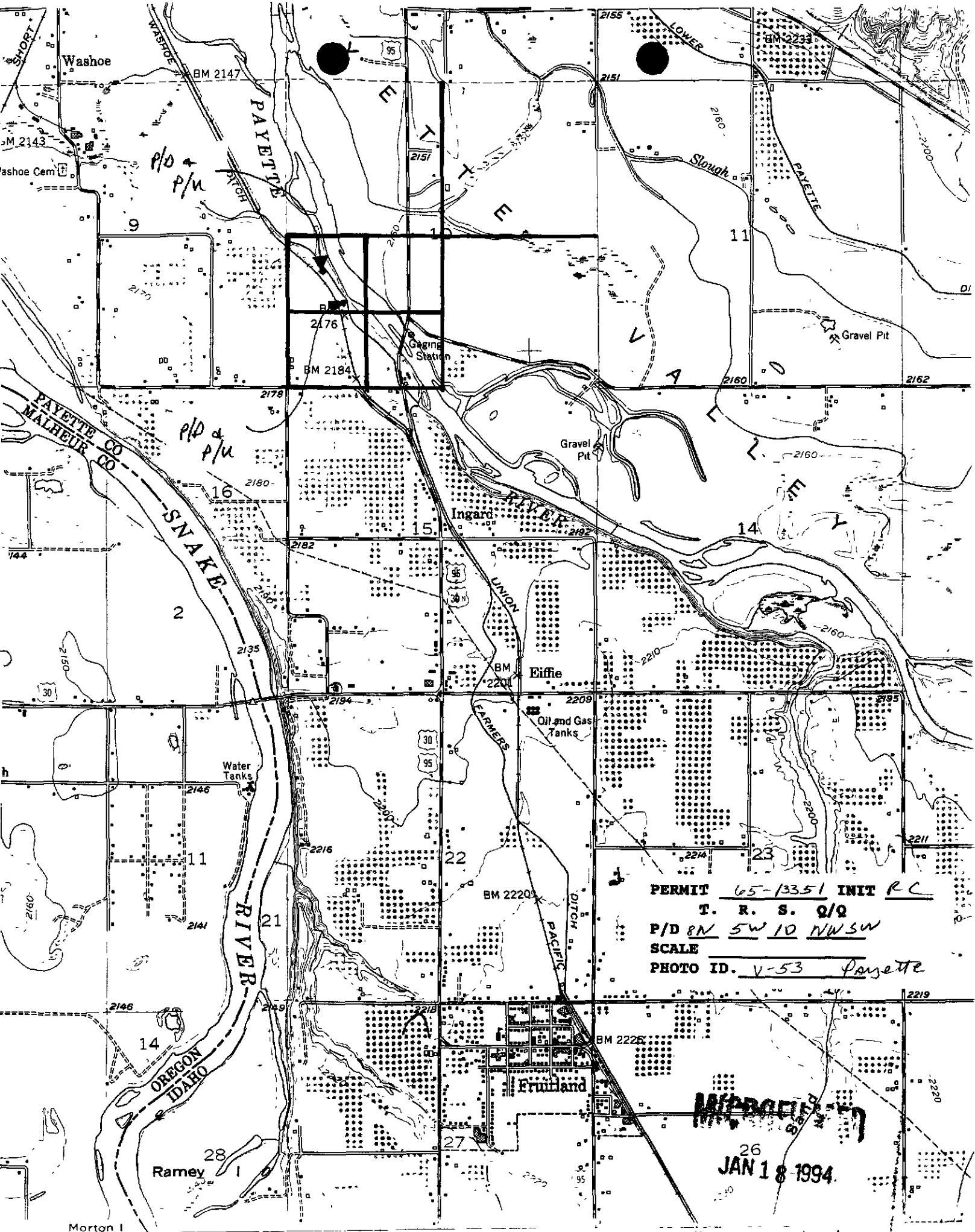
I. AUTHENTICATIONField Examiner's Name Rick Collingwood Date 6/2/93

Reviewer _____ Date _____

SEAL

MICROFILMED

JAN 18 1994



PERMIT 65-13351 INIT RC
T. R. S. Q/Q
P/D 8N 5W 10 NWSW
SCALE
PHOTO ID. V-53 Payette

26
JAN 18 1994

PAGETTE
RIVER
LAGOON

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

USE TYPEWRITER OR
BALLPOINT PEN

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]

Form 238-7
6/90
PAGETTE
RIVER
LAGOON

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

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.

USE TYPEWRITER OR
BALL POINT PEN

[illegible]

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 rights, provide WR# 65-13351

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. 10, NW 1/4 SW 1/4 or Lot 8.

2. Owner: CITY OF FRUITLAND

Address P.O. Box 324, City FRUITLAND, St TX

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

4. Access Port:	Yes <u> </u> No <u>✓</u>	Static Water Level:	<u>10</u>
Pressure Gauge:	Yes <u> </u> No <u>✓</u>	Casing Diameter:	<u>6"</u>
Flowing:	Yes <u>✓</u> No <u> </u>	Temperature:	<u>N/A</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: _____

JAN 8 1994

December 18, 1992

CITY OF FRUITLAND
PO BOX 324
FRUITLAND ID 83619

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13351

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

Permit No. 65-13351

Date 12/16/92

Waste water treatment plant

Correct Uses? Yes

Well log in the file?

NA	~~YES~~	Required?
	~~NO~~	Installed?
	~~NO~~	Waiver requested?

Date proof received NA

Date proof due _____ - _____

No. of days late _____ = _____

Priority Date _____ + _____

New Priority Date _____

prof acceptable

Proof Made *R/15/92*

6/87

Drilling Permit No. 65-91-W-152
 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 - Payette River Wastewater Treatment Facility
2. Address 200 Whitley Dr. - P.O. Box 324
Fruitland, Idaho 83619
- (X) Well Owner () Well Operator () Other, specify _____
3. Water right permit no. _____; Injection well permit no. _____
4. Proposed well location SE 1/4 NW 1/4 SW 1/4, or Gov't lot No. _____,
 Sec. 10, 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 (X) Other, Specify Nonpotable water for use at
wastewater treatment facility
<2500 gpd @ .04 cfs
6. Well construction information:
 (X) New well () Deepen () Replace
 Proposed surface diameter 6" Proposed depth 20'
 Anticipated bottom hole temperature:
 (X) 85°F or less (Cold water well)
 () 85°F to 212°F (Low temp. geothermal well)
 () 212°F or more (Geothermal well)
7. Anticipated construction start date November 25, 1991
8. Well Driller (if known) Doty Drilling Co., Inc.
 Address _____
 Date _____ Applicant's signature _____
 Title _____

FEB 04 1993

* After other pre-requisite approvals have been obtained.

ACTION OF IDWR

(X) 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 22nd day of November, 1991.

Signed David R. Tuttle
Title Manager, Western Regional Office

Received by AN Fee \$350 Date 11-22-91

Receipt No. 0013910 Construction start date 11-22-91

Construction start extension to _____

Extension approved by _____

FEB 04 1993

6/87

Drilling Permit No. 65-91-W-153
 Water Permit No. N/A
 Injection Permit No. _____

RECEIVED
 NOV 27 1991

State of Idaho
 Department of Water Resources

Department of Water Resources

D R I L L I N G P E R M I T

(Authorizing Construction of a Well)*

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

2. Address 200 Whitley Dr. - P.O. Box 324
Fruitland, Idaho 83619

(X) Well Owner () Well Operator () Other, specify _____

3. Water right permit no. _____; Injection well permit no. _____

4. Proposed well location NW 1/4 NW 1/4 SW 1/4, or Gov't lot No. _____,
 Sec. 10, 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 (X) Other, Specify Nonpotable water for use at
wastewater treatment facility

6. Well construction information: 2500 gpd @ .04 cfs

() New well () Deepen () Replace

Proposed surface diameter 6" Proposed depth 20'

Anticipated bottom hole temperature:

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

7. Anticipated construction start date November 26, 19918. Well Driller (if known) Doty Drilling Co., Inc.Address 25497 Freezeout Rd. Caldwell, Idaho 83605

Date _____ Applicant's signature _____

Title _____

FEB 04 1993

* After other pre-requisite approvals have been obtained.

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 22nd day of November, 1991.

Signed

David R. Tuttle Jr.

Title

Manager, Western Reg OffReceived by RLFee \$35.00Date 11-22-91Receipt No. W013910

Construction start date

Construction start extension to

Extension approved by

FEB 04 1992



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.

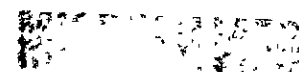
If you have any questions concerning this matter, please
feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "L. Glen Saxton".

L. GLEN SAXTON
Chief, Water Allocation Bureau

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



DEC 15 1992



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

RECEIVED

DEC 15 1992

HEARING NOTES 65-13351, 65-13352

Notes by D. Tuttle

City of Fruitland

Sept 9, 1992

Applicant - Represented by City of Fruitland Manager, Rick Watkins

Protestant - Represented by James Carlson, Atty.

- Issues:
- Local Public Interest
 - Availability of Water
 - Conservation of Water Resources

Rick Watkins Snake River Waste Water Treatment Facility (300,000 gpd) (intermittent discharge)
Well 25 gpm, 1/2 or 1 hp

Water is non-potable, washdown of bldg (35'x25'), sewer jet, rakes & shovels

Payette ~~Waste~~ Water Treatment Plant (200-250,000 gpd) (intermittent discharge)

Well 1, by blower bldg

Well 2, N of chlorine Plant

Non potable, 1/2 hp pumps

Washdown of equipment, emergency rinse (building is 15'x20')

Polymer eqpt, restroom (building ~25'x30')

Wastewater is either evaporated or is discharged into the water treatment plants

DEC 15 1992

Hours of operation are unknown; however

* Flow figures from wells were provided by the City Engineer, Mike Holladay to Rick Watkins

Watkins (cont)

Depth to water in the wells is higher when Washoe Canal has water

Protestant:

Public notice refers to only 2 apps

2 wells (not 1) were drilled under 65-13351

Public notice was insufficient

2 Wells are excessive - no proof for this requirement is provided

Local Public Interest: No testimony regarding the effect of these wells on the economy. There is a taking of a relatively clean source, with ^{an} adding contaminants.

Reduction of Quantity of Water: ⁱⁿ 65-12812 Mayor Wozniak stated that water was insufficient for new uses. He is estopped from changing his position, and a change at this time is improper.

Conservation of Water Resources - There is little known guidance in this issue. Water has not been shown to be non-potable. Doctrine of ^{conservation of} natural resources would dictate that the surface water should be reused, and relatively clean groundwater should not be used.

Proposed decision to be issued.

NOTED

1992

Re: City of Fruitland, #65-13351 and 65-13352

Place: Payette County Courthouse, 1130 3rd Ave N, Payette, ID

Date: September 9, 1992

Hearing conducted by: Glen Saxton

ROSTER OF ATTENDANCE

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

P 860 399 256



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

City of Fruitland

PO Box 324

Fruitland, ID 83619

Postage	\$ 29
Certified Fee	-
Special Delivery Fee	-
Restricted Delivery Fee	-
Return Receipt Showing to Whom & Date Delivered	1 -
Return Receipt Showing to Whom Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 229

Postmark or Date

PS Form 3800, June 1990

P 054 455 008



**Receipt for
Certified Mail**

No Insurance Coverage Provided

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

Postage	\$
Certified Fee	
Special Delivery Fee	
Registered Delivery Fee	
Return Receipt showing to Whom & Date Delivered	
Return Receipt Showing to Whom Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

DEC 15 1991

PS Form 3800, June 1991

P 860 399 257



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

Sent to <i>Student Loan Fund of Ill</i>	
Street & No <i>PO Box 730</i>	
PO, State & ZIP Code <i>Franklin IL 62431</i>	
Postage	\$ 29
Certified Fee	1 -
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1 -
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 229
Postmark or Date	

PS Form 3800, June 1990

P 054 455 009



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

City of Fruitland
PO Box 324
Fruitland, ID 83619

PS Form 3800, June 1991

Originating Fee	
Special Delivery Fee	
Registered Delivery Fee	
Return Receipt Showing to Whom to Whom & Date Delivered	
Return Receipt Showing to Whom Date and Address of Addressee	
TOTAL Postage & Fees	\$
Postmark or Date	

65-13361

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1 ☐ Show to whom delivered, date, and addressee's address (Extra charge) 2 ☐ Restricted Delivery (Extra charge)							
3. Article Addressed to: Student Loan Fund of ID PO Box 730 Fruitland, ID 83619	4 Article Number P 860 399 257 Type of Service: <table><tr><td>☐ Registered</td><td>☐ Insured</td></tr><tr><td>☒ Certified</td><td>☐ COD</td></tr><tr><td>☐ Express Mail</td><td>☐ Return Receipt for Merchandise</td></tr></table> Always obtain signature of addressee 5 Signature - Addressee X 6 Signature - Agent X <i>Lina Mucosta</i> 7. Date of Delivery MAR 23 1992	☐ Registered	☐ Insured	☒ Certified	☐ COD	☐ Express Mail	☐ Return Receipt for Merchandise
☐ Registered	☐ Insured						
☒ Certified	☐ COD						
☐ Express Mail	☐ Return Receipt for Merchandise						
8 Addressee's Address ONLY if requested and fee paid DEC 15 1992							

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

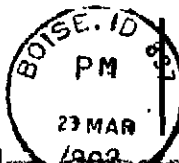
- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



MIRRORED MED

DEC 15 1992



RECEIVED

MAR 24 1992

Department of Water Resources
Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

ALWAYS

USE

ZIP CODE



PENALTY FOR PRIVATE
USE, \$300



62-1336751

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge) (Extra charge)

3. Article Addressed to

City of Fruitland
PO Box 324
Fruitland, ID 83619

4. Article Number

P 860 399 256

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt
for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

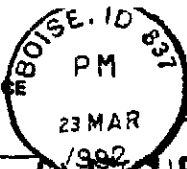
3-23-92

8. Addressee's Address (ONLY if requested on form)

DEC 15 1992

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED

MAR 24 1992



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO

UNPROCESSED

Department of Water Resources
Western Regional Office

Print Sender's Name, Address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705

DEC 15 1992



65-13351

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

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

4 Article Number
P 054 455 008

Type of Service

☐ Registered	☐ Insured
☒ Certified	☐ COD
☐ Express Mail	☐ Return Receipt for Merchandise

5. Signature — Addressee
X

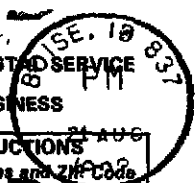
6. Signature — Agent
X *[Signature]*

Date of Delivery
[Signature]
AUG 21 1992

Always obtain signature of addressee or agent and DATE DELIVERED.

addressee's Address (only if requested and fee paid)
AUG 24 1992
DEC 15 1992
Department of Water Resources
Western Regional Office

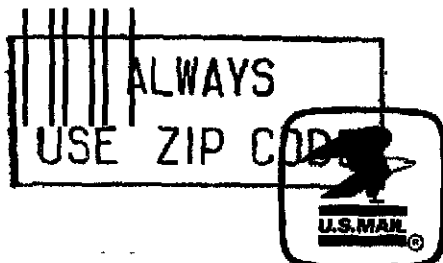
UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO

Print Sender's name, address, and ZIP Code in the space below.

MICROFILMED

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705

DEC 15 1992

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>	)	

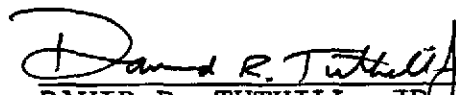
On November 22, 1991, the City of Fruitland filed with the Department of Water Resources two applications for permit to appropriate the public waters of the State of Idaho, for industrial purposes. The applications were protested by Student Loan Fund of Idaho and a conference was held by the Department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

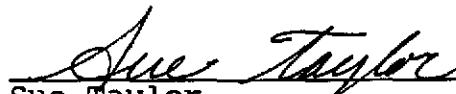
DEC 15 1992

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 19th day of August, 1992.


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

I hereby certify that on the 19th 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

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.

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DEC 15 1992

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.

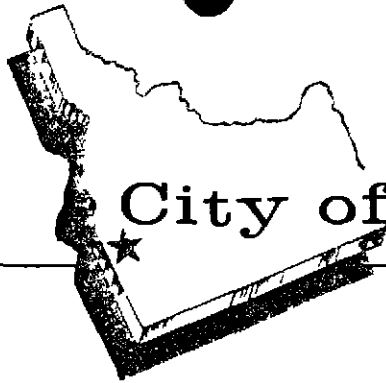
If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to 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

Rick S. Watkins, City Administrator

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DEC 15 1992



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

9/15/1992

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

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

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JUL - 6 1992

July 2, 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.

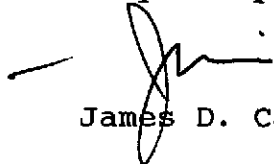
As made clear in the April 20, 1992, letter to the city of Fruitland, the protestant was amenable to submitting the matter to the hearing officer by way of written materials. Additionally, the protestant was interested in a compromise as described in the April 20, 1992 letter.

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

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DEC 15 1992

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 ^{April} 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.

DEC 15 1992

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

DEC 15 1992



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.

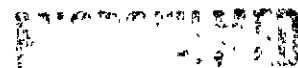
Please bring us up to date on this matter as soon as possible.

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



DEC 15 1992

65-13351

65-13352

Conference Notes by D. Tutthill

4/15/1992

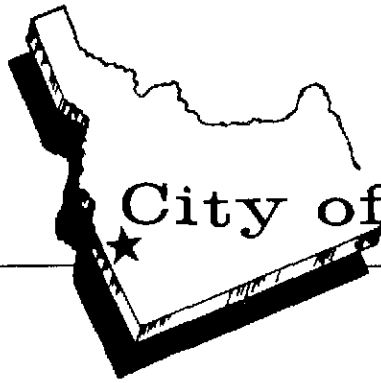
Rick Watkins, representing the City of Fruitland, dropped off the attached documents, stated that he had been ~~was~~ instructed by the City Council to not participate in the conference, and left.

James Carlson and I discussed the issues. He is concerned about issues 5 & 6, plans to visit the project site and discuss the matter with Rick Watkins & his client, and will advise IDNR as to his intentions with respect to those apps. I stated that we need some type of response within a month.

Der

UNRECORDED

DEC 15 1992



City of Fruitland

Area Code 208
Phone 452-4421
FAX 452-6146

200 S. Whitley

P. O. Box 324
FRUITLAND, IDAHO 83619

15 April 1992

Idaho Dept. of Water Resources

RE: APPLICATIONS FOR PERMIT NOS. 65-13351 and 65-13352

Gentlemen:

Enclosed are the well driller's logs on the Snake River and Payette River Wastewater Treatment Plants. They are self-explanatory.

Also enclosed are a copy of the consent orders from Idaho Division of Environmental Quality and the U.S. Environmental Protection Agency ordering the City of Fruitland to bring the systems into compliance.

The wells are completed and operational. They are used to operate the polymer and chlorination systems as well as general maintenance and clean-up of the wastewater systems.

Thank you for your consideration.

Respectfully,

Joseph P. Wozniak, Mayor

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DEC 15 1992

WELL DRILLER'S REPORT

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

WELL DRILLER'S REPORT

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.

1. WELL OWNER

Name CITY OF FRUITLANDAddress P.O. BOX 324 FRUITLAND, ID 83619Drilling Permit No. 65-91-W-154Water Right Permit No. EXEMPT

7. WATER LEVEL

Static water level 10 feet below land surface.Flowing? ☐ Yes ☒ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature _____ °F. Quality _____

Describe artesian or temperature zones below _____

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement☐ Well diameter increase☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☒ Pump ☐ Bailor ☒ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
20 GAL	25'	1

3. PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal☐ Industrial ☐ Stock ☐ Waste Disposal or Injection☒ Other UNPOTABLE WATER FOR USE AT WASTEWATER TREATMENT FACILITY (Specify type)

4. METHOD DRILLED

☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule, ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
120 inches	6 inches	2 feet	32 feet

Was casing drive shoe used? ☒ Yes ☐ NoWas a packer or seal used? ☐ Yes ☒ NoPerforated? ☐ Yes ☒ NoHow perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun

Size of perforation _____ inches by _____ inches

Number	From	To

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 18 Material used in seal ☐ Cement grout☒ Bentonite ☐ Puddling clay ☐ _____Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing☒ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

Weld _____

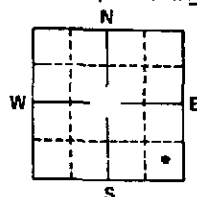
☐ Cemented between strata

Describe access port _____

10.

Work started 11-25-91 finished 11-25-91

6. LOCATION OF WELL

Sketch map location must agree with written location.

Subdivision Name _____

Lot No. _____ Block No. _____

County PAVEITESE 1/4 SE 1/4 Sec. 41, T 8, S ☒ R. 5 W ☒

11. DRILLERS CERTIFICATION

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

BILL DUTY

Firm Name DRILLING CO., INC. Firm No. 42106 CALLOWAYAddress CALDWELL, ID. Date 12-11-9183605

Signed by (Firm Official) _____

and

(Operator) Rich L. Sherr

1
2
3
4
5
6
7
8 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
9 REGION 10
10 1200 Sixth Avenue
11 Seattle, Washington 98101

12 IN THE MATTER OF: }

13 The City of Fruitland }

No. 1091-07-43-308/309(a)

14 NPDES Permit Nos. ID-002119-9 }
15 and ID-002033-8 }

COMPLIANCE ORDER AND
REQUEST FOR INFORMATION

16 Pursuant to Sections 308 and 309 of the Clean Water Act,
17 33 U.S.C. §§ 1318 and 1319, and the authority thereunder of the
18 Administrator of the U.S. Environmental Protection Agency
19 ("EPA"), which authority has been duly delegated to the EPA
20 Regional Administrator, which authority has been duly redelegated
21 to the Director, Water Division, EPA, Region 10.

22 FINDINGS OF FACT

23 1. The City of Fruitland, Idaho (the City or Respondent)
24 owns, operates and has day-to-day maintenance responsibilities
25 for two Publicly Owned Treatment Works (POTWs) discharging
26 independently to the Snake and Payette Rivers. Respondent is a
27 "person" within the meaning of Section 502(5) of the Act,
28 PROPOSAL TO ASSESS ADMINISTRATIVE PENALTY PAGE - 1 of 6

1 33 U.S.C. § 1362(5). The facilities are "treatment works" within
2 the meaning of Section 212 of the Act, 33 U.S.C. § 1292.

3 2. The POTWs, which are under Respondent's control,
4 "discharge pollutants" within the meaning of Sections 502(6) and
5 (12) of the Act, 33 U.S.C. §§ 1362(6) and (12), from a "point
6 source" within the meaning of Section 502(14) of the Act,
7 33 U.S.C. § 1362(14), to the Snake River (NPDES permit No.
8 ID-002033-8) and to the Payette River (ID-002119-9) which are
9 "waters of the United States" within the meaning of
10 Section 502(7) of the Act, 33 U.S.C. § 1362(7), and 40 CFR
11 Part 122.2. Respondent is therefore subject to the provisions of
12 the Act, 33 U.S.C. §§ 1251 and 1387.

13 3. Section 301(a) of the Act, 33 U.S.C. § 1311(a), makes
14 unlawful the discharge of pollutants into "waters of the United
15 States" except in compliance with, inter alia, the terms and
16 conditions of a National Pollutant Discharge Elimination System
17 (NPDES) permit issued pursuant to Section 402 of the Act,
18 33 U.S.C. § 1342.

19 4. At all times relevant to this action, discharges from
20 Respondent's Snake River and Payette treatment plants are subject
21 to the terms and conditions imposed by NPDES permits ID-002033-8
22 and ID-002119-9. EPA issued the permits on June 30, 1973, which
23 expired on June 30, 1977 and December 30, 1978, respectively.
24 Both permits are administratively extended by the Administrative
25 Procedures Act, 5 U.S.C § 558(c) and 40 CFR § 122.6. The
26 extended permits remain effective. The City reapplied for the
27 NPDES permits for the Payette and Snake River facilities on

1 August 6, 1984, and January 1, 1984, respectively.

2 5. Part I.A. of the Permits require respondent to be in
3 compliance with all specified effluent limits. At all times
4 relevant, discharges from Respondent's facilities were and are
5 subject to the terms and conditions imposed by the Permit, which
6 terms and conditions are enforceable under Section 309(a)(3) of
7 the Act, 33 U.S.C. § 1319(a)(3).

8 6. On May 3, 1990, and again on April 3, 1991,
9 Respondent's facilities were inspected by EPA Region 10.

10 7. During the inspections, several problem areas were
11 identified at both POTWs. These included but are not limited to;

- 12 - organic overloading of both lagoon systems;
- 13 - disinfection units (ultraviolet light) were
14 overloaded and not operating at adequate
15 efficiency;
- 16 - inflows to each treatment system are high in
17 Biochemical Oxygen Demand (BOD) and Total
18 Suspended Solids (TSS), possibly from two
19 industrial users-Dickinson Frozen Foods and
20 Bonneville Production Co.- and irrigation
21 return water;
- 22 - intermittent operation of aerators at both
23 facilities
- 24 - improper operations and maintenance practices

25 8. Discharge Monitoring Reports (DMRs) for each facility
26 submitted by Respondent for the facilities since January 1, 1987,
27 indicate violations of BOD and TSS permit limitations:

<u>Parameter</u>	<u>Permit ID-002033-8 Number of Violations</u>	<u>Permit ID-002119-9 Number of Violations</u>
BOD ₅	-0-	65
TSS	10	67

9. The violations alleged in paragraph 8 constitute at least one hundred forty two (142) violations of Respondent's NPDES permits and therefore, constitute at least 142 violations of Section 402(a) of the Act, 33 U.S.C. § 1342(a), and Section 301(a) of the Act, 33 U.S.C. § 1311(a).

ORDER

Based upon the foregoing FINDINGS OF FACT, and pursuant to Sections 308 and 309 of the Clean Water Act (Act), 33 U.S.C. §§ 1318 and 1319, it is hereby ORDERED as follows:

10. Immediately upon receipt of this order, Respondent shall;

- take whatever actions necessary to insure that influent flows and BOD and TSS loadings to each facility are not increased above existing levels.
- submit to EPA all industrial user effluent monitoring data for BOD, TSS and flow rates collected by the City, Dickinson Frozen Foods, Bonneville Production Company, and Golden Valley Foods as required by the City's Industrial Sewer Users Contracts for the period January, 1987 through the present.

11. By September 30, 1991, the City shall submit to EPA the results of an engineering review for each of the two lagoon waste water treatment systems, including:

- a. Quantification and attribution of influent BOD and TSS loadings from all possible sources.
- b. An analysis of the causes of violations of both NPDES permit limits for BOD and TSS.
- c. A schedule for repairs, improvements, and any other corrective actions needed for each treatment system to achieve and maintain compliance with all NPDES permit effluent limitations.

12. By December 1, 1991, Respondent shall have completed repairs and construction for the Payette River facility and shall be in compliance with all requirements of the Payette River NPDES permit.

13. By May 1, 1992, Respondent shall have completed repairs and construction for the Snake River facility and shall certify in writing to EPA, compliance with all requirements of the Snake River NPDES permit.

14. Any noncompliance with the terms of this ORDER shall be reported to EPA, Region 10, in writing, within 10 days from discovery of the violation.

15. Reports required by this ORDER shall be submitted to:

U.S. Environmental Protection Agency
1200 Sixth Avenue, WD-134
Seattle, Washington 98101
Attn: William Chamberlain

16. Nothing in this ORDER shall be construed to relieve the Respondent of the requirements of its NPDES permit or of applicable requirements of federal, state, or local law.

EPA reserves the right to take enforcement action as authorized

1 by law for any violation of this ORDER, the NPDES permit, or
2 other applicable legal requirement.

3 TERMINATION

4 This ORDER shall terminate only after each of the following
5 has occurred:

- 6 a. Respondent has achieved compliance with all provisions
7 contained in this ORDER and has maintained compliance
8 with each and every provision of this ORDER for six
9 consecutive months;
- 10 b. Respondent has certified compliance pursuant to
11 paragraph 13 above.
- 12 c. U.S. EPA, within thirty (30) days of receiving such
13 certification from Respondent, has not contested, in
14 writing, that such compliance has not been achieved.

15 SANCTIONS

16 Notice is hereby given that violation of, or failure to
17 comply with, any of the provisions of the foregoing ORDER and
18 REQUEST FOR INFORMATION may subject Respondent to (1) civil
19 penalties of up to \$25,000 per day of violation pursuant to
20 Section 309(d) of the Act, 33 U.S.C. § 1319(d),
21 (2) administrative penalties of up to \$10,000 per day for each
22 violation, pursuant to Section 309(g) of the Act, 33 U.S.C.
23 § 1319(g), or (3) termination of the permit under 40 CFR
24 Part 122.64.

25 Dated this 21st day of August, 1991
26 Robert S. Burd
27 Robert S. Burd
Director, Water Division

IDAHO DEPARTMENT OF HEALTH AND WELFARE

In the matter of:)
) CONSENT ORDER
City of Fruitland) Idaho Code Section 39-108
)

1. Pursuant to Idaho Code Section 39-108 (Idaho Environmental Protection and Health Act), the Idaho Department of Health and Welfare (Department) enters into this Consent Order with the City of Fruitland, Idaho (City).
2. The City of Fruitland owns and operates two wastewater treatment plants serving residents of the City of Fruitland, one of which discharges to the Payette River and a second which discharges to the Snake River, hereinafter referred to as the Payette River WWTP and the Snake River WWTP. As a result of violations of the Idaho Water Quality Standards and Wastewater Treatment Requirements at both treatment plants, the City was notified that additional sewer connections would not be approved by the Department by letter dated May 23, 1991.
3. As a result of a meeting with the City Engineer and City Administrator on June 21, 1991 and a subsequent letter from the Mayor dated June 24, 1991; the City and Department have agreed to enter into a consent order and remove sanitary restrictions on two lots in the Mesa Park Subdivision. The City agrees to the terms of this Consent Order without the issuance of a Notice of Violation or the holding of a compliance conference under Idaho Code Section 39-108.
4. The City shall perform the following actions in order to achieve compliance with the Idaho Water Quality Standards and Wastewater Treatment Requirements.
 - A. The City shall hire and maintain in perpetuity a full-time (40 hr/week), wastewater treatment plant operator with a minimum of a Class I and lagoon operator certification. As a temporary measure until January 1, 1993, the City may have the operator supervised by someone with both certifications or be directly under the supervision of the City engineer.
 - B. The City shall resubmit, for Department review and concurrence, its sewer use ordinance (SUO) and user charge system (UCS) and submit each year for review the sewer system budget for operation, maintenance, and replacement of the

wastewater treatment facilities.

C. The City shall submit, for Department review and concurrence, the pending contracts with the two (2) major industrial wastewater sources which discharge into its wastewater collection system to include Dickinson Frozen Foods and Bonneville Production Center (Coca Cola).

D. The City shall submit as-built plans for the monitoring station which has been installed at Dickinson's Frozen Foods.

E. Beginning from the date of this Consent Order the City shall submit monthly operating reports to include a summary of the results of monitoring for the industrial sources and any violations of the industrial contracts.

F. The City shall submit updated operation and maintenance (O&M) manuals for both the Payette River WWTP and the Snake River WWTP.

G. The City shall develop, adopt, and implement a sludge management plan which complies with the current applicable sludge regulations (40 CFR Part 257) of the U.S. Environmental Protection Agency (EPA) and addresses the proposed (or final) EPA standards for the disposal of sewage sludge under 40 CFR Part 257 (amended) and Part 503.

H. If deemed necessary by EPA, the City shall assist EPA in issuing pre-treatment permits to the City's significant industrial wastewater sources or develop, adopt, and implement an EPA approved pre-treatment program.

I. The City shall adhere to a compliance schedule for the Payette River WWTP and the Snake River WWTP as follows:

Payette River WWTP

<u>Task</u>	<u>Date</u>
Submit Final Plans and Specifications	August 26, 1991
Begin Construction	October 1, 1991
Initiate Operation	December 1, 1991
Submit O&M Manual	December 1, 1991
Attain Final Effluent Limitations	January 1, 1992

Snake River WWTP

<u>Task</u>	<u>Date</u>
Attain Interim Effluent Limitations	November 1, 1991
Attain Final Effluent Limitations	May 1, 1992
Submit O&M Manual	May 1, 1992

J. The City shall adhere to a general compliance schedule as follows with total compliance by July 1, 1992:

<u>Task</u>	<u>Date</u>
Submit SUO, UCS, and budget for review	August 15, 1991
Submit Industrial Contracts for Review	October 1, 1991
Hire Full-Time Operator	September 1, 1991
Submit Plans for Dickinson's Sampler	August 26, 1991
Initiate Monthly Operating Reports	September 1, 1991
Initiate New Monitoring Program	September 1, 1991
Submit Draft Sludge Management Plan	April 1, 1992
Implement Sludge Management Plan	July 1, 1992

K. The City shall meet the following effluent limitations:

Payette River WWTP - Final

<u>Effluent Characteristics</u>	<u>Unit of Measurement</u>	<u>Monthly Average</u>	<u>Weekly Average</u>
BOD ₅	mg/l (lbs/d)	45 (*see)	65
Suspended Solids	mg/l (lbs/d)	70	105
Fecal Coliform			
May 1 - Sept. 30	#/100 ml	50	100
Oct. 1 - Apr. 30	#/100 ml	100	200

Snake River WWTP - Interim

<u>Effluent Characteristics</u>	<u>Unit of Measurement</u>	<u>Monthly Average</u>	<u>Weekly Average</u>
BOD ₅	mg/l (lbs/d)	45 (*see)	65

Suspended Solids	mg/l (lbs/d)	70	105
Fecal Coliform	#/100 ml	100	200

Snake River WWTP - Final

BOD ₅	mg/l (lbs/d)	45 (*see)	65
Suspended Solids	mg/l (lbs/d)	70	105
Fecal Coliform			
May 1 - Sept. 30	#/100 ml	50	100
Oct. 1 - Apr. 30	#/100 ml	100	200

* 65% of influent loading

L. The City shall initiate the following monitoring at the Payette River WWTP and Snake River WWTP.

<u>Parameter</u>	<u>Unit of Measurement</u>	<u>Sample Location</u>	<u>Sampling Frequency</u>	<u>Type of Sample</u>
Total Flow	mgd	Effluent	Continuous	Recorder
BOD ₅	mg/l; lbs/d	Influent & Effluent	Weekly	24-hour Composite
Total Suspended Solids	mg/l; lbs/d	Influent & Effluent	Weekly	24-hour Composite
pH	pH units	Effluent	5/Week	Grab
Fecal Coliform	#/100 ml	Effluent	Weekly	Grab
Total Cl ₂ Residual	mg/l	Effluent	5/Week	Grab
Dissolved Oxygen	mg/l	Effluent & Each Cell	3/week (7 to 8 am)	Grab

Influent and effluent samples shall be collected during the same 24-hour period.

5. The City stipulates that it will be liable for a penalty of \$5000 for each violation of the requirements of paragraph 4 above and \$1000 a day for each day the violation continues.

6. The City recognizes that the failure to comply with the terms of the Consent Order may result in district court action for specific performance of this Consent Order, monetary penalties in addition to those set forth in paragraph 5 above, assessment of costs, attorney fees, and other relief as the court considers to

be just and reasonable under the circumstances.

7. This Consent Order shall not in any way relieve the City from any obligation to comply with any provision of the Idaho Water Quality Standards and Wastewater Treatment Requirements, and Idaho Solid Waste Regulations and Standards, or any other applicable local, state or federal laws including provisions of the City's current EPA NPDES discharge permits.

8. This Consent Order shall bind the City, its successors, agents, assigns, and any other person or entity acting through or on behalf of the City.

9. The effective date of this Consent Order shall be the date of signature by the Director of the Idaho Department of Health and Welfare. Except for paragraphs 4 A, E, H, K, and L, and provided the City has complied with all other paragraphs; this Consent Order will terminate on July 2, 1992. The requirements of paragraphs 4 A, B, and H are ongoing. The effluent limitations and monitoring requirements in 4 K and L respectively are ongoing until EPA issues new permits for the City of Fruitland.

Dated this 3 day of September, 1991.

By: Richard P. Donovan

Richard P. Donovan, Director
Idaho Department of Health and Welfare

Dated this 22nd day of August, 1991.

By: Joseph P. Wozniak

Joseph P. Wozniak, Mayor
City of Fruitland

Hearing conducted by: David R. Tuthill, Jr., P.E.

ROSTER OF ATTENDANCE

[illegible]

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.

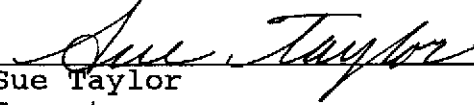
The Department has set the matter of protest for a conference to be held on April 15, 1992, at 10:00 a.m., in the Payette County Courthouse, 1130 3rd Ave. N., Payette, ID 83661. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the 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 20th day of March, 1992.



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

I hereby certify that on the 20th 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 prejudice 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.

ROBERT G. HAMLIN
M. MICHAEL SASSER
DAVID SASSER
PATRICK J. INGLIS
BARRY PETERS
JAMES D. CARLSON
NAT 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

FEB 22 1992

Department of Water Resources February 21, 1992
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, 65-13352;
Unsuccessful Contact with Applicant;
Unavailable Dates for Hearing

Dear Mr. Tuthill:

Enclosed please find two letters, dated January 31, 1992, and February 6, 1992, I sent to Mr. Wozniak, Mayor of the City of Fruitland, in an effort to set a time for a meeting prior to the Department's February 11, 1992 deadline.

Also enclosed for your review, please find the response letters from the City of Fruitland, dated February 3, 1992, and February 7, 1992, wherein Mr. Wozniak sets forth the City's reasons for being unable to meet with me.

As the Notice of Appearance, dated January 21, 1992, makes clear, this firm represents the Student Loan Fund of Idaho and although Mr. Lawhorn is an officer of the corporation, Mr. Lawhorn is not the protestant in this case, regardless of Mr. Wozniak's statements to the contrary. I am not aware of any reason why the City of Fruitland has refused to meet with me in my capacity as the designated representative of the Protestant in this case.

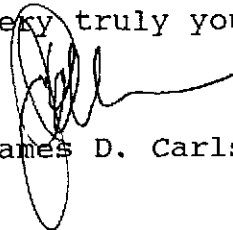
David R. Tuthill, Jr.
February 21, 1992
Page 2

Accordingly, although I still desire to meet with the City officials and determine what is proposed by the applications on file, based upon Mr. Wozniak's refusals to meet with me and the lack of a positive response by any other City officials, it does not appear that such a meeting can be arranged and a hearing regarding the applications appears to be necessary.

For your convenience, I have set forth on the attached "Notice of Unavailable Dates" my unavailable dates in the event you desire to schedule a hearing in this matter.

Please do not hesitate to contact me if you have any questions or comments.

Very truly yours,



James D. Carlson

JDC:dt
Enc.

cc Student Loan Fund of Idaho

2578C^01.L25

HAMLIN & SASSER, P.A.

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

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

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

FEB 5 1992

POOR QUALITY

RECEIVED

FEB 24 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
Harrison & Gasser, P.A.
PO Box 1525
Boise, Idaho 83701

21 February 1992

RE: Application for Permits Nos. 88-13301 and 88-13305

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, Carol 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: Carol Lee Lawhorn
David R. Tuthill, Jr.

MICROFILMED

DEC 15 1992

COPY

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

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

February 6, 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:

We have reviewed your letter dated February 3, 1992, and are sorry to advise you that our client, Mr. Lawhorn, has other business related engagements that will restrict his ability to meet with you as you propose.

As stated in my letter of January 31, 1992, I am able to meet with you on behalf of the Student Loan Fund of Idaho, to determine what is proposed by the applications and discuss these matters with you. It would be helpful to all involved if during our meeting we would have an opportunity to review the proposed applications at the two sites.

Accordingly, as the designated representative of the Student Loan Fund of Idaho in this matter, I suggest that we meet Monday, February 10, 1992, at 3:00 p.m., at the Payette River Waste Water and Treatment Facility. We then could also review the proposed use at the Snake River Lagoon. Please advise me before hand if there is any difficulty you perceive with this procedure.

I look forward to our upcoming meeting.

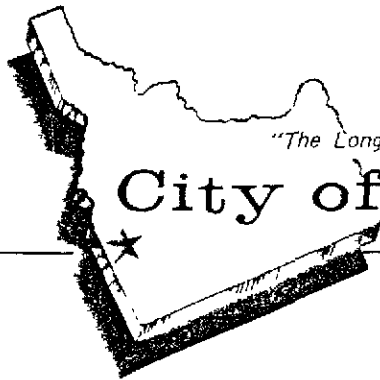
Very truly yours,

James D. Carlson

JDC:dt

cc Student Loan Fund of Idaho

3107C^01.L25



"The Longest Little City In Idaho"

City of Fruitland

Area Code 208
Phone 452-4421

P O Box 324
FRUITLAND, IDAHO 83619

7 February 1992

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

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

Dear Mr. Carlson:

Thank you for your letter of February 6, 1992. I am sorry that Mr. Lawhorn's business engagements restrict his ability to follow up on his protest. You have already delayed the process because Mr. Lawhorn was unavailable. Now, you advise us that again Mr. Lawhorn is not able to meet. Is it possible that your client is not as interested in the ground water future of our area as he is in harrassing the City of Fruitland?

Never the less, I must attend a school board meeting at 3:00 P.M., February 10, 1992 and will be unavailable all day. As I explained in my last response, I will not meet with anyone other than the protestant, Carol Lee Lawhorn on this matter.

When Mr. Lawhorn can find time in his busy schedule to meet, I will be more than happy to discuss the matter at City Hall or the lagoons.

Yours truly,

Joseph P. Wozniak, Mayor

cc: Carol Lee Lawhorn
David R. Tuthill, Jr.

NOTICE OF UNAVAILABLE DATES

February 1992; (all dates remaining in month)
March 1992; (all of March)
April 1-10, 27-30, 1992
May 1992; (all of May)
June 15-30, 1992
July 1-18, 27-31, 1992
August 17-31, 1992
September 1-8, 1992

2-10-92, 2-11-92, 2-12-92
3-1-92, 3-2-92, 3-3-92, 3-4-92, 3-5-92, 3-6-92, 3-7-92, 3-8-92, 3-9-92, 3-10-92, 3-11-92, 3-12-92, 3-13-92, 3-14-92, 3-15-92, 3-16-92, 3-17-92, 3-18-92, 3-19-92, 3-20-92, 3-21-92, 3-22-92, 3-23-92, 3-24-92, 3-25-92, 3-26-92, 3-27-92, 3-28-92, 3-29-92, 3-30-92, 3-31-92, 4-1-92, 4-2-92, 4-3-92, 4-4-92, 4-5-92, 4-6-92, 4-7-92, 4-8-92, 4-9-92, 4-10-92, 4-11-92, 4-12-92, 4-13-92, 4-14-92, 4-15-92, 4-16-92, 4-17-92, 4-18-92, 4-19-92, 4-20-92, 4-21-92, 4-22-92, 4-23-92, 4-24-92, 4-25-92, 4-26-92, 4-27-92, 4-28-92, 4-29-92, 4-30-92, 5-1-92, 5-2-92, 5-3-92, 5-4-92, 5-5-92, 5-6-92, 5-7-92, 5-8-92, 5-9-92, 5-10-92, 5-11-92, 5-12-92, 5-13-92, 5-14-92, 5-15-92, 5-16-92, 5-17-92, 5-18-92, 5-19-92, 5-20-92, 5-21-92, 5-22-92, 5-23-92, 5-24-92, 5-25-92, 5-26-92, 5-27-92, 5-28-92, 5-29-92, 5-30-92, 5-31-92, 6-1-92, 6-2-92, 6-3-92, 6-4-92, 6-5-92, 6-6-92, 6-7-92, 6-8-92, 6-9-92, 6-10-92, 6-11-92, 6-12-92, 6-13-92, 6-14-92, 6-15-92, 6-16-92, 6-17-92, 6-18-92, 6-19-92, 6-20-92, 6-21-92, 6-22-92, 6-23-92, 6-24-92, 6-25-92, 6-26-92, 6-27-92, 6-28-92, 6-29-92, 6-30-92, 7-1-92, 7-2-92, 7-3-92, 7-4-92, 7-5-92, 7-6-92, 7-7-92, 7-8-92, 7-9-92, 7-10-92, 7-11-92, 7-12-92, 7-13-92, 7-14-92, 7-15-92, 7-16-92, 7-17-92, 7-18-92, 7-19-92, 7-20-92, 7-21-92, 7-22-92, 7-23-92, 7-24-92, 7-25-92, 7-26-92, 7-27-92, 7-28-92, 7-29-92, 7-30-92, 7-31-92, 8-1-92, 8-2-92, 8-3-92, 8-4-92, 8-5-92, 8-6-92, 8-7-92, 8-8-92, 8-9-92, 8-10-92, 8-11-92, 8-12-92, 8-13-92, 8-14-92, 8-15-92, 8-16-92, 8-17-92, 8-18-92, 8-19-92, 8-20-92, 8-21-92, 8-22-92, 8-23-92, 8-24-92, 8-25-92, 8-26-92, 8-27-92, 8-28-92, 8-29-92, 8-30-92, 8-31-92, 9-1-92, 9-2-92, 9-3-92, 9-4-92, 9-5-92, 9-6-92, 9-7-92, 9-8-92, 9-9-92, 9-10-92, 9-11-92, 9-12-92, 9-13-92, 9-14-92, 9-15-92, 9-16-92, 9-17-92, 9-18-92, 9-19-92, 9-20-92, 9-21-92, 9-22-92, 9-23-92, 9-24-92, 9-25-92, 9-26-92, 9-27-92, 9-28-92, 9-29-92, 9-30-92, 10-1-92, 10-2-92, 10-3-92, 10-4-92, 10-5-92, 10-6-92, 10-7-92, 10-8-92, 10-9-92, 10-10-92, 10-11-92, 10-12-92, 10-13-92, 10-14-92, 10-15-92, 10-16-92, 10-17-92, 10-18-92, 10-19-92, 10-20-92, 10-21-92, 10-22-92, 10-23-92, 10-24-92, 10-25-92, 10-26-92, 10-27-92, 10-28-92, 10-29-92, 10-30-92, 10-31-92, 11-1-92, 11-2-92, 11-3-92, 11-4-92, 11-5-92, 11-6-92, 11-7-92, 11-8-92, 11-9-92, 11-10-92, 11-11-92, 11-12-92, 11-13-92, 11-14-92, 11-15-92, 11-16-92, 11-17-92, 11-18-92, 11-19-92, 11-20-92, 11-21-92, 11-22-92, 11-23-92, 11-24-92, 11-25-92, 11-26-92, 11-27-92, 11-28-92, 11-29-92, 11-30-92, 12-1-92, 12-2-92, 12-3-92, 12-4-92, 12-5-92, 12-6-92, 12-7-92, 12-8-92, 12-9-92, 12-10-92, 12-11-92, 12-12-92, 12-13-92, 12-14-92, 12-15-92, 12-16-92, 12-17-92, 12-18-92, 12-19-92, 12-20-92, 12-21-92, 12-22-92, 12-23-92, 12-24-92, 12-25-92, 12-26-92, 12-27-92, 12-28-92, 12-29-92, 12-30-92, 12-31-92



"The Longest Little City In Idaho"

City of Fruitland

One File
FEB 10 1992

Department of Water Resources
Western Regional Office

Area Code 208
Phone 452-4421

P. O. Box 324
FRUITLAND, IDAHO 83619

7 February 1992

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

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

Dear Mr. Carlson:

Thank you for your letter of February 6, 1992. I am sorry that Mr. Lawhorn's business engagements restrict his ability to follow up on his protest. You have already delayed the process because Mr. Lawhorn was unavailable. Now, you advise us that again Mr. Lawhorn is not able to meet. Is it possible that your client is not as interested in the ground water future of our area as he is in harrassing the City of Fruitland?

Never the less, I must attend a school board meeting at 3:00 P.M., February 10, 1992 and will be unavailable all day. As I explained in my last response, I will not meet with anyone other than the protestant, Carroll Lee Lawhorn on this matter.

When Mr. Lawhorn can find time in his busy schedule to meet, I will be more than happy to discuss the matter at City Hall or the lagoons.

Yours truly,

Joseph P. Wozniak, Mayor

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

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
NEAL S. STIVERS
ROGER J. HALES

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

February 6, 1992

RECEIVED
FEB 10 1992

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

Department of Water Resources
Western Regional Office

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

Dear Mayor Wozniak:

We have reviewed your letter dated February 3, 1992, and are sorry to advise you that our client, Mr. Lawhorn, has other business related engagements that will restrict his ability to meet with you as you propose.

As stated in my letter of January 31, 1992, I am able to meet with you on behalf of the Student Loan Fund of Idaho, to determine what is proposed by the applications and discuss these matters with you. It would be helpful to all involved if during our meeting we would have an opportunity to review the proposed applications at the two sites.

Accordingly, as the designated representative of the Student Loan Fund of Idaho in this matter, I suggest that we meet Monday, February 10, 1992, at 3:00 p.m., at the Payette River Waste Water and Treatment Facility. We then could also review the proposed use at the Snake River Lagoon. Please advise me before hand if there is any difficulty you perceive with this procedure.

I look forward to our upcoming meeting.

Very truly yours,

James D. Carlson

JDC:dt

cc Student Loan Fund of Idaho

3107C^01.L25

DEC 15 1992



City of Fruitland

Area Code 208
Phone 452-4421
FAX 452-6146

200 S Whitley

P O Box 324
FRUITLAND, IDAHO 83619

Department of Water Resources
Western Regional Office

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.✓

DEC 15 1992

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

Department of Water Resources
Western Regional Office

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

FEB 03 1992

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

FEB 25 1992

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

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

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

Department of Water Resources
Western Regional Office

January 21, 1992

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

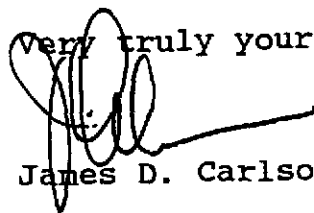
Re: Notice of Appearance and Continuance
for Contact with Applicant

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

RECEIVED

DEC 15 1992

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. _____

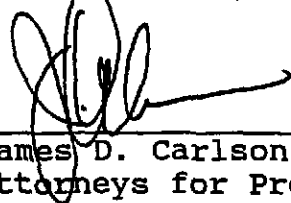
NOTICE OF APPEARANCE

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

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



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

DEC 15 1992



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?

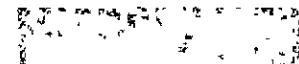
Please contact this office if you have questions regarding this procedure.

Sincerely,

A handwritten signature in cursive script, reading 'David R. Tuthill, Jr.'.

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

Enclosure: Copy of protest(s)



DEC 15 1992

HAMLIN & SASSER, P.A.

ATTORNEYS AT LAW
HOME BUILDING, SUITE 601
802 WEST BANNOCK
P.O. Box 1525
BOISE, IDAHO 83701

ROBERT O. HAMLIN
M. MICHAEL SASSER
DAVID SASSER
PATRICK J. INGLIS
BARRY PETER
RANDY FITZPATRICK-MARTIN
JAMES D. CARLSON

FAX (208) 344-8479

DATE:

January 3, 1992

3:30 PM
TIME SENT:

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME:	<i>S. Keith Haggard, Attorney</i>
FIRM:	<i>Department of Alaska Resources</i>
CITY:	
TELEPHONE:	
FAX NO:	<i>334-2348</i>

FILE NO: *90 3578 SLIP Glen Kap*

FROM:

NAME:	<i>James Carlsberg</i>
TOTAL NUMBER OF PAGES:	<i>3</i> , INCLUDING THIS COVER PAGE

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL

Becky AT (208) 344-8474

MESSAGE:

*Let your comments remain there for
consideration a timely filing of the protest*

PLEASE DELIVER IMMEDIATELY!
DEC 15 1992

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.

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

JAN - 3-92 FRI 15:33 HAMLIN

JAN- 3-92 FRI 15:00

SLFI INC

FAX NO 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 83619, (208) 462-6038

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 Fayette, 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.

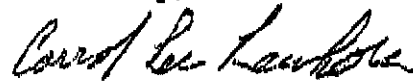
It is the position of the protestant and other citizens that public ground waters of the state of Idaho should not be utilized at the Snake River Lagoon Sewer System and the Fayette River Lagoon Sewer System to clean up and wash down equipment and restrooms, for the emergency wash down, or for "polymer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

DEC 15 1992

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

DEC 15 1992

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: _____ DEC 15 1992

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: W013810

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

Received

From: HOLLADAY ENGINEERING CO.

Type of Payment	Program Acct Class	Amount
APPLICATION FOR PERMIT	520199 1238 6390	80.00
DRILLING PERMITS	520350 1238 6390	105.00
Total		<u>\$185.00</u>

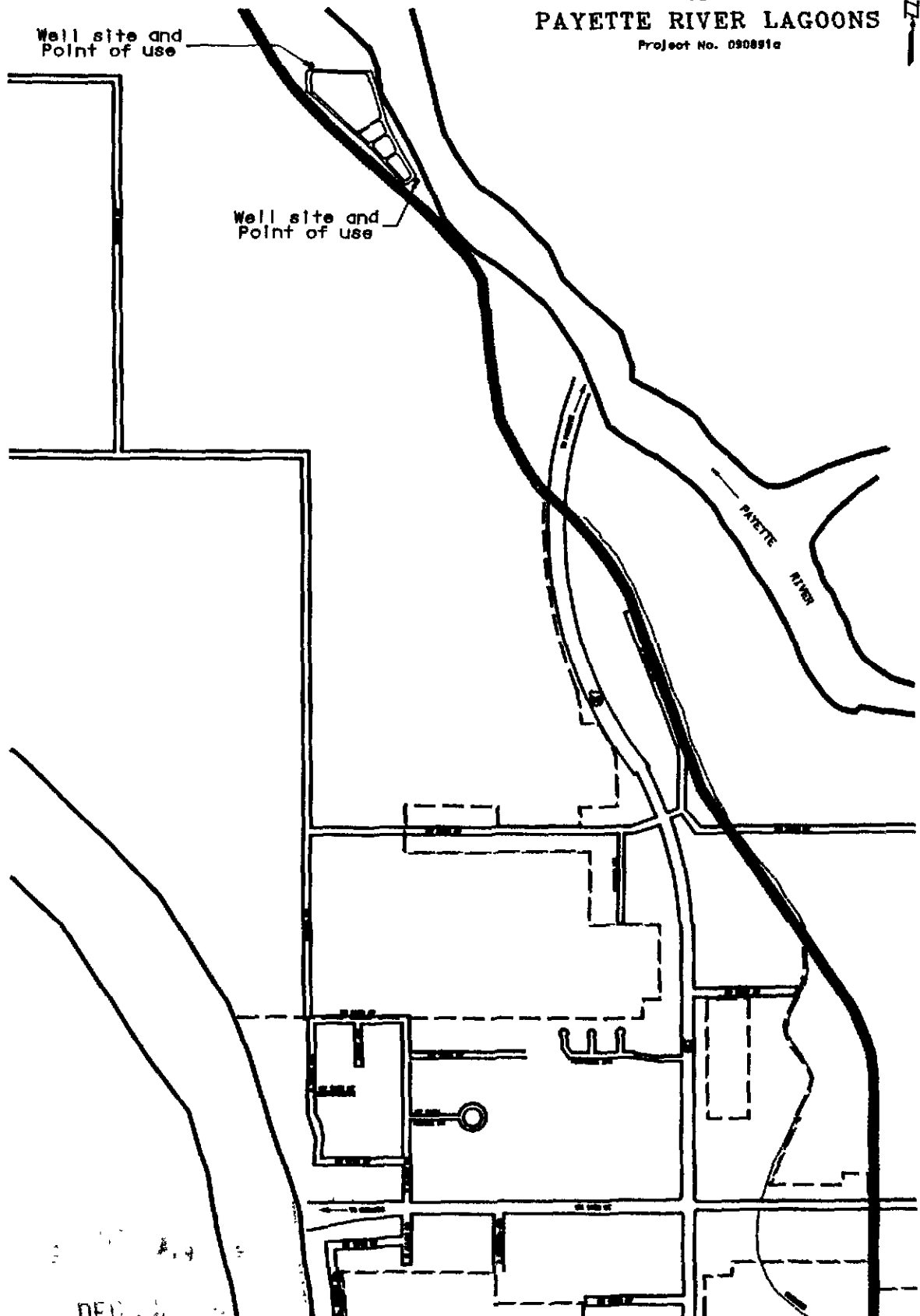
CHECK 9240

Region: WESTERN

Signature: Jeri Davis

DEC 15 1991

CITY OF FRUITLAND
VICINITY MAP
PAYETTE RIVER LAGOONS
Project No. 090891a



DEC 2 1964



HOLLADAY ENGINEERING CO.

ENGINEERS • CONSULTANTS

1431 Bus. Alt.-Hwy. 95

P.O. Box 211

Payette, ID 83661

(208) 642-3304

November 20, 1991

Dave Tuthill *Dave*
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.

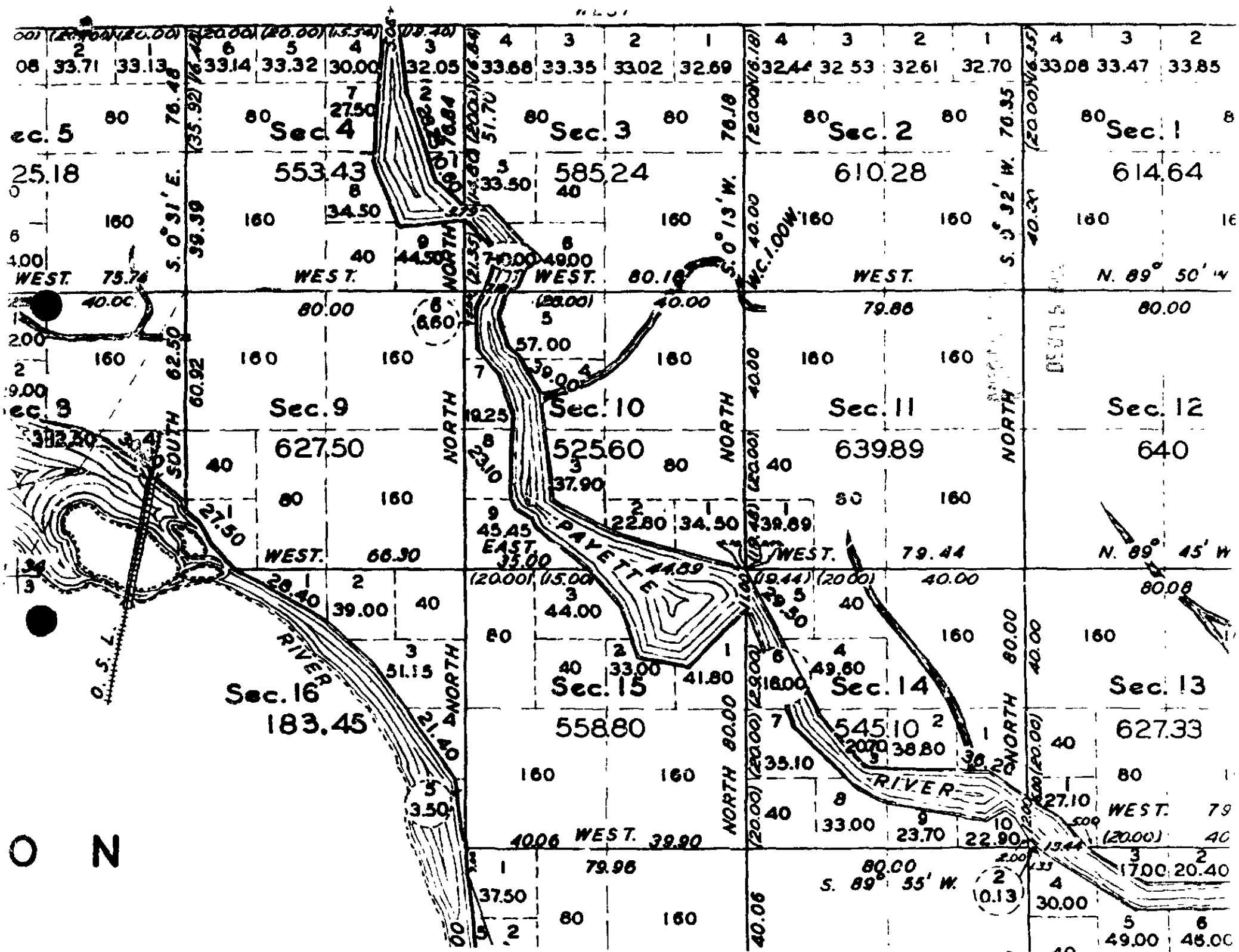
I apologize for the inconvenience, but it is simply an oversight on my part because of the other problems involved with getting the system upgraded. The Water Rights are not a problem, they can go through the normal channels, but the Drilling Permits are needed as soon as you can get them out. If I can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

DEC 15 1991



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 24th 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.

Marilyn J. Kitchener
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 filed with the Director,
Dept. of Water Resources, Western Region, 2735
Airport Way, Boise, Idaho 83705 on or before JANU-
ARY 6, 1992.

R. KEITH HIGGINSON, Director
Dec. 18, 23

No. 667

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

DEC 27 1991

Received of the Director of Water Resources
the sum of \$53.46

No 667

!p

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region
2735 AIRPORT WAY

Boise, Idaho 83705
(208) 334-2190

DECEMBER 11, 1991

Independent Enterprise
P.O. Box 520
Payette, ID 83661

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before JANUARY 6, 1992.

Yours truly,

GAIL GARRETT
Secretary

Encl.

65-13351

CITY OF FRUITLAND
PO BOX 324
FRUITLAND, ID 83619

Source: GROUNDWATER

Diversion Pt: LOT 8 (SENWSW) Sec 10 T 08N R 05W in PAYETTE County.

Use: INDUSTRIAL (.040 CFS)
Total Diversion: (.040 CFS)

Date Filed: 11/22/1991

IN T08N R05W S10 NWSW

~~Place of use within the city limits of Fruitland.~~