



1000 0 1000 2000 3000 Feet

T01N, R18E

Walker Sand and Gravel Water Right Permit Application

MICROFILMED
JAN 09 2003



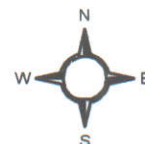
Original Property
Section Lines



Wells

IND

POU for the Permit Application



State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20834

Priority: November 15, 2002

Maximum Diversion Rate: 3.47 CFS

This is to certify, that WALKER SAND & GRAVEL LTD CO
PO BOX 400
BELLEVUE ID 83313

has applied for a permit to appropriate water from:

Source: GROUND WATER

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	3.47 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, Twp 01N, Rge 18E, B.M., BLAINE County
GROUND WATER SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, Twp 01N, Rge 18E, B.M., BLAINE County
GROUND WATER SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, Twp 01N, Rge 18E, B.M., BLAINE County

PLACE OF USE: INDUSTRIAL

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N 18E 24									X	X	X	X					

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2006**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
5. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. Use of water under this right shall be non-consumptive. The right holder shall cause water diverted and used under this right to be returned to the ground water by seepage or injection.
9. Industrial use is for washing rock and sand.

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State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 37-20834

10. Return flow discharged to a subsurface system must be authorized by a separate injection well permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of

the Director, affixed at Boise, this 16th day of January, 2003.


for KARL J DREHER, Director

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JAN 13 2003

Corrected
11/21/02

Page 1

Ident. No. 37-20834

RECEIVED

JAN 13 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public water of the State of Idaho

1. Name: WALKER SAND AND GRAVEL LTD. CO.
PO BOX 400
BELLEVUE ID 83313

2. Source: GROUND WATER

3. Location of Point of Diversion:

#1 GROUND WATER	SW1/4NE1/4SW1/4	Sec. 24, Twp 01N, Rge 18E, B.M.
BLAINE County		
#2 GROUND WATER	SE1/4NW1/4SW1/4	Sec. 24, Twp 01N, Rge 18E, B.M.
BLAINE County		
#3 GROUND WATER	SE1/4NW1/4SW1/4	Sec. 24, Twp 01N, Rge 18E, B.M.
BLAINE County		

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
INDUSTRIAL	01/01 to 12/31	3.47 CFS	

5. Total quantity to be appropriated is: 3.47 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: WELL & PUMP (VALLEY PAVING WELL)

b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;
c. Proposed well diameter is _____ inches;
Proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85F being sought? N

e. If well is already drilled, when? 1991;

Drilling Firm _____;

Drilling Permit No. _____.

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JAN 23 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

POINT OF DIVERSION #2

- a. Type and size of devices used to divert water from the source: WELL & PUMP (SHOP)
- b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;.
- c. Proposed well diameter is _____ inches;
Proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85F being sought?
- e. If well is already drilled, when? _____;
Drilling Firm _____;
Drilling Permit No. _____.

POINT OF DIVERSION #3

- a. Type and size of devices used to divert water from the source: WELL & PUMP (CRUSHER)
- b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;.
- c. Proposed well diameter is _____ inches;
Proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85F being sought? N
- e. If well is already drilled, when? _____;
Drilling Firm _____;
Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 year(s).

8.

PLACE OF USE: INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	24									X	X	X	X					

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

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JAN 30 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

APPLICANT

10. Remarks:

Minor Consumptive use of water in washing process and recharge pond is covered by existing pre-moratorium water rights. (37-8136A, 37-8136B and 37-8532) Use of water under this application will not increase the consumptive use. The main well is known as the Crusher Well with auxiliary wells being the Shop Well and the Valley Paving Well to be tied into a common system. Industrial use for washing rock and sand. All water returns to the aquifer in an existing pit.

11. Map of proposed point of diversion and place of use attached? ☐

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.

Alvin B. Gentry Power of Atty
Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____
Publication prepared by MB Date 12/10/02 Published in Wood River Journal
Publication approved _____ Date _____

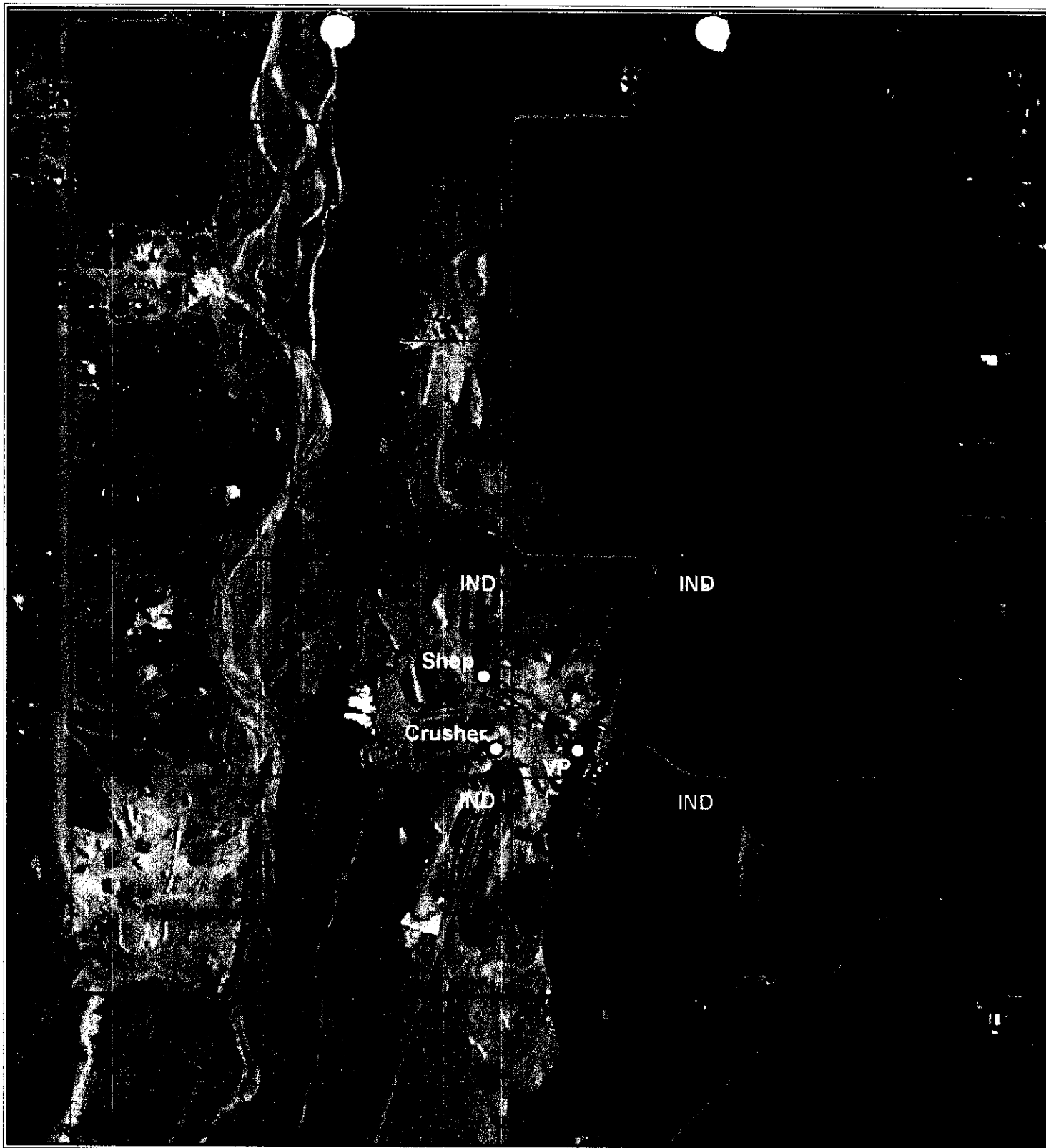
Receipt No. S025319

Date: _____

Receipted by: _____

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JAN 4 1993



1000 0 1000 2000 3000 Feet

T01N, R18E

Walker Sand and Gravel Water Right Permit Application



Original Property

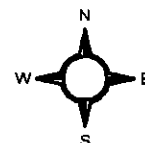
Section Lines



Wells

IND

POU for the Permit Application



RECEIVED

NOV 15 2002

Department of Water Resources
Southern Region

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Jim Walker, hereby nominate and appoint
Charles G. Brockway as my attorney-in-fact with full authority to
act for and on my behalf to undertake any and all acts or matters pertaining to water right
transfers before the Idaho Department of Water Resources for the following water right
transactions:

Permit application for 25.0 acres of irrigation in the NESW Sec. 24, T. 1 N., R. 18 E.
and permit application for industrial use in the SW1/4 Sec. 24, T. 1 N., R. 18 E.

in Blaine County, Idaho. Additionally, I hereby ratify and confirm any
and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said
instruments of writing that may be necessary or proper to carry into execution and effect the
applications, and transfers above-mentioned. Further, I hereby declare that each and every
application, transfer, agreement, receipt, or payment which shall be by my said agent given,
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had
been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at
all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or
concerning the said premises by virtue of these present. This Limited Power of Attorney will
become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 29 day of Oct, 2001

Signature

Signature

State of Idaho)

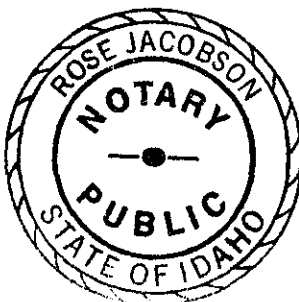
County of Blaine)

ss.

On this 29 Day of Oct, 2001, before me, a Notary Public
in and for said County and State, personally appeared Jim R. Walker,
known or identified to me to be the individual whose name and subscription to the within
instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.

S
E
A
L



Rose Jacobson
Notary Public

In and for said State and County

7/17/2004
My Commission Expires

AMENDED
NOV 15 2002

Instrument # 454181

HAILEY, BL 10
2001-08-10 12:16:00 No. of Pages: 2
Recorded for MERITITLE
MARSHA RIEMANN Fee: 6.00
Ex-Officio Recorder Deputy
Index to: CORRECTION DEED

Order No. 28342

This Deed is being
re-recorded to correct
the water rights.

**CORPORATION
WARRANTY DEED**

454181

FOR VALUE RECEIVED

HEATH-MARSHALL, INC.

a corporation duly organized and existing under the laws of the State of Idaho, does hereby GRANT, BARGAIN,
SELL and CONVEY unto

JIMMIE R. WALKER and KATHY M. WALKER, husband and wife

GRANTEE whose address is: **P. O. Box 452 Hailey, ID 83333**

the following described real property in **Blaine County, Idaho**, to wit:

Lot 1D and Parcel A of A REPLAT OF LOT 1, BLOCK 1, AGGREGATE ACRES SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 434576, records of Blaine County, Idaho. ***

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

This document may be executed simultaneously in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President, Vice-President, Secretary or Assistant Secretary.

Dated: July 10, 2001

Heath-Marshall, Inc.

BY: **JOHN F. HEATH, PRESIDENT**

BY: **GLEN S. MARSHALL, SECRETARY**

State of **UTAH**

County of **SALT LAKE**

On this 11 day of July in the year 2001, before me, the undersigned, personally appeared JOHN F. HEATH known or identified to me to be the president of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal.

Notary Public
Commission Expires: **10-30-02**

State of

County of

On this _____ day of July in the year 2001, before me, the undersigned, personally appeared GLEN S. MARSHALL known or identified to me to be the secretary of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal.

Notary Public
Commission Expires:

*** TOGETHER WITH THE FOLLOWING DESCRIBED

WATER RIGHTS:

A37-00235A 29 inches, priority date 58 cfs
June 15, 1883
A37-00236 116 inches, priority date 2.32
June 15, 1884
A37-00308 46 inches, priority date 0.92
May 14, 1886 3.82

portion that
was app'd.
to Lot 1D &
Parcel A

RECEIVED
NOV 15 2002
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Walker Sand and Gravel Phone (208) 788-4893
Post Office address P.O. Box 400, Bellevue, ID 83313
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is SE 1/4 of NW 1/4 of SW 1/4, Govt. Lot _____
Sec. 24 Township 1N Range 18E B.M. Blaine County; additional
points of diversion, if any: SENWSW and SWNESW, Sec. 24, T. 1 N., R. 18 E.
4. Water will be used for the following purposes:
Amount 3.47 for Industrial 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 being appropriated is (a) 3.47 and/or (b) _____
cubic feet per second acre-feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Existing wells to industrial plant for sand & gravel washing.
 - 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 _____ inches; proposed depth of well is _____ feet
 - d. Is groundwater with a temperature of greater than 85 degrees being sought? No
 - e. If well is already drilled, when? 1989; Drilling firm _____;
Well was drilled for (well owner) Walker Sand and Gravel
7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity 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. Industrial use for washing rock and sand. All water returns to the aquifer in an existing pit.

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9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
01N	18E	24									I	I	I	I					

Total number of acres to be irrigated _____

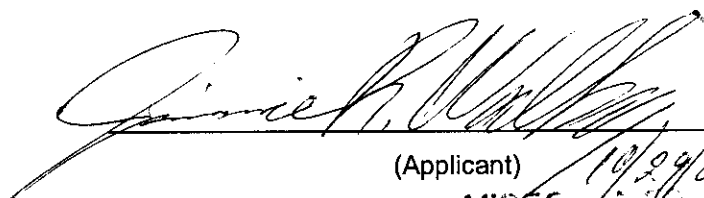
10. Describe any other water rights used for the same purposes as described above. 37-8136A, 37-8136B,
37-8532

11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- 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: Minor consumptive use of water in washing process and recharge pond is
covered by existing pre-moratorium water rights. Use of water under this
application will not increase the consumptive use. The well is known as the
Crusher Well.

13. MAP OF PROPOSED PROJECT ATTACHED X show clearly the proposed point of diversion, place of use, section number, township and range number.

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


(Applicant) 10/24/02
MICROFILMED
JAN 9 2003

Received by ADM Date 11/15/02 Time 4:18/02 Preliminary check by _____
Fee \$ 370⁰⁰ Receipted by ADM # 5025319 Date 11/18/02
Publication prepared by MB Date 12/2/02 Published in Wood River Journal
Publication approved _____ Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 17, 2003

WALKER SAND & GRAVEL LTD CO
PO BOX 400
BELLEVUE ID 83313

RE: Permit No. 37-20834

Permit Approval Notice

Dear Permit Holder:

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

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

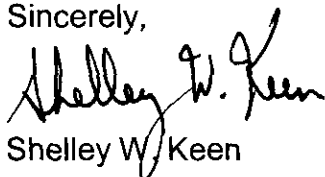
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1997-01-18

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

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1998 9 10

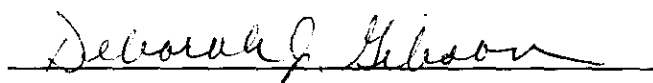
CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

37-20834

**WALKER SAND & GRAVEL LTD CO
PO BOX 400
BELLEVUE ID 83313**

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

**Deborah J. Gibson
Administrative Assistant**

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NOV 17 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

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1987 3 2 10:00

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

Date: January 15, 2003
To: Water Right File 37-20834
From: dgibson
Re: Permit Review

This is an industrial use for washing rock and sand for the Walker Sand and Gravel Company facility south of Bellevue, Idaho. This permit combines three wells as POD, however the Crusher Well located in the SENWSW tract. The main well and the other two are auxiliary wells to be connected to the system. The runoff from this process will be directed by some means to a pond for recharge near the center of the SW quarter of section 24.

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2003-02-20

FILE PROGRESS SUMMARY

APPLICANT: Walker Sand & Gravel WATER RIGHT NO. 37-20834

[illegible]

Walker Sand + Gravel (Ind)

FORM NO.202A
REVISED 10/29/02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY MD DATE 11/18/02

APPLICATION NO. 27-20838

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.
- ☒ Address
- ☒ Source (see USGS quad for names of water sources)
- ☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
- ☒ County
- ☒ Quantity (flow &/or volume)
- ☒ Period of use
- ☒ Nature of proposed use (include description of use)
- ☒ Description of diverting works.
- ☒ Time required for beneficial use of water.
- ☒ Place of use or acres irrigated.
- ☒ Map
- ☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

+++PROPOSED PRIORITY DATE 11/15 11/15 20 02

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back.
- ☒ Overlapping point of diversion.
- ☐ Yes ☒ No Field check required Yes
- Field check by _____
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical Ground water area
- ☒ Yes ☐ No Groundwater management area Yes
- ☐ Yes ☒ No Send Dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit.
- ☐ Yes ☒ No Power efficiency form
- ☒ Yes ☐ No Within trustwater boundary(If yes, attach trustwater supplementary analysis sheet.
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes,attach large diversion supplementary analysis sheet.
- ☐ See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____, 20____

PROCESSING ☒ Yes ☐ No In form for Advertising

☐ Yes ☒ No No Statewide Advertising

☒ Yes ☐ No Fee amount, receipt date & No. recorded on app.

SEND COPIES TO: ☒ Idaho Dept of Health & Welfare ☐ USDI BLM
☐ Idaho Dept of Fish & Game ☐ USFS
☐ Idaho Dept of Lands ☐ Water Dist.
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received.
☒ Yes ☐ No Application published correctly. If not, record action taken.

☐ Yes ☒ No Publication dates and paper, recorded on App.
☐ Yes ☒ No Protests received
Final date for protest _____
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on app.
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist. _____
☐ Yes ☒ No Special conditions of approval or cover letter below.

See below for additional information:

Date of priority recommended 11/15/02, 19____20____
By [Signature] Date 1/10/03, 20____

STATE OFFICE REVIEW

Date _____, 20____

ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST

Comments recieved from:

☐ City ☐ Idaho Fish & Game ☐ Irrigation Dist.
☐ County ☐ Idaho Health & welfare ☐ Canal Company
☐ Reservations ☐ Div. of Enviromental Quality
☐ Other _____

PROJECT IMPACTS/IMPLICATIONS REPORT

COMMENTS:

DATE _____, 20____

AFFIDAVIT of PUBLICATION

RECEIVED

DEC 27 2002

State of Idaho, }
County of Blaine } SS.

Department of Water Resources
Southern Region

On this 24 day of December, in the year 2002, before me a Notary Public of said State, personally appeared _____, known or identified to me to be the person whose name is subscribed to be 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. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 18 day of December 2002, and the date of the last publication was on the 24 day of December 2002.

Subscribed and sworn to before me this 24 day of Dec. 2002

(SEAL) JANET M. STONE
NOTARY PUBLIC
STATE OF IDAHO

Janet M Stone
NOTARY PUBLIC

#11765
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 153
Number of Insertions 2
Lines tabular at — 7¢ / Pica
153 Lines straight at 771.43 6¢ / Pica
Subsequent lines at — 5¢ / Pica
TOTAL COST 122.80 * 223.79

COPY OF NOTICE
(Paste Here)

Application for Water Rights

TITLE OF NOTICE

Walker Sandra Grabel

PLAINTIFF ATTORNEY

DEFENDANT

24620

PLAINTIFF

Idaho Dept of Water

BILL TO

Twin Falls Resources

MICROFILMED

(over)

The following applications have been filed concerning the public waters of the State of Idaho, Blaine County: WALKER SAND & GRAVEL LTD CO., PO BOX 400; BELLEVUE ID 83313
Application for Permit No. 37-20833
Source: GROUND WATER
Point of Diversion: SWNESW S24 T01N R18E

Use: 04/15 To 10/31
IRRIGATION (0.5 CFS)

Date Filed: 11/15/2002

Place Of Use: 25 acres within E1/2SW S24 T01N R18E

Remark: This application records a pre-1987 development for irrigation of 25 acres from a well. The well and land irrigated is located approximately 4.5 miles south of Bellevue between the Big Wood River and Hwy 75.

Application for Permit No. 37-20834

Source GROUND WATER

Point(s) of Diversion SWNESW, (2 points) SENWSW S24 T01N R18E

Use: 01/01 To 12/31

Industrial (3.47 CFS)

Date Filed: 11/15/2002

Place Of Use: SW S24 T01N R18E

Remark: This application proposes to add diversion capacity to three existing wells used for industrial use of washing rock and sand. Use is non-consumptive, water will be returned to aquifer through loss in existing pond. The wells and industrial use are located approximately 4.5 south of Bellevue between the Big Wood River and Hwy 75.

ROY R. WOODS, C/O JAMES P. SPECK, SPECK & AANESTAD, PO BOX 987; KETCHUM ID 83340 filed an Amended Application for Permit No. 37-20809 on 12/4/02 as follows:

Point of Diversion: SESENE, S15, T05N, R17E

Source: GROUNDWATER

Use: 05/01 To 10/31

Place Of Use: IRRIGATION (0.05 CFS) of 1.8 Acres within E1/2, S15, T05N, R17E

The application proposes to divert groundwater from the "Eastern Snake River Plain Aquifer" presently under a moratorium order dated April 30th, 1993. The order allows the Director to consider on a case-by-case basis applications; if it can be shown the development will have no effect on prior surface and groundwater rights because of its location, insignificant consumption, or mitigation by the applicant to offset injury to other rights. The applicant has submitted material as evidence of pre-1987 development as part of the application

TIMBERVIEW TERRACE HOMEOWNERS ASSOCIATION, C/O JEFFREY BATES, PO BOX 3455; KETCHUM ID 83340

Application for Permit No. 37-20837

Source: GROUNDWATER

Points of Diversion: (2 Points) NESW S7 T03N R18E

Use: IRRIGATION 04/15 To 10/31 (0.15 CFS)

Use: DOMESTIC 01/01 To 12/31 (0.15 CFS)

Total Diversion: 0.3 CFS

Date Filed: 11/22/2002

Place Of Use: Domestic and 5 acres within NESW S7 T03N R18E

Remark: Application proposes to develop domestic and irrigation use within Timberview Terrace Subdivision located near the mouth of Greenhorn Gulch approximately 2 miles west and 6 miles north of Hailey. The application proposes diverting water from two existing wells for 10 homes within the five-lot subdivision. The 5 acres of proposed irrigation use is based on a 1/4 acre allowance per home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

AIRPORT WEST PARTNERS, C/O JAMES P SPECK, SPECK & AANESTAD, PO BOX 987; KETCHUM ID 83340 filed Application No. 70260 on 9/19/02. Transfer application proposes changing the place of use of a 0.21 cfs and 8.82 acre portion of water right 37-7683. The changed portion will be diverted from an existing irrigation well and used to irrigate landscaping within the Airport West Subdivision. The subdivision is located between Broadford Road and the airport, approximately 1.0 mile south and 0.5 miles east of the center of Hailey. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. An Extension of Time to Avoid Forfeiture of A Water Right was filed by

Robert J. Struthers, Jr., 388 Gannett Rd; BELLEVUE ID 83313 on 10/23/02. The extension is requested to avoid loss of the water right due to non-use because portions of the appurtenant place of use has been sold.

Water Right No. 37-2593

Priority Date: February 1, 1957

Source: groundwater

Use: Irrigation (6.34 cfs) 4/15-10/31

Point(s) of Diversion: SWNW S20 T01N R19E

Place of Use: Portions of S20 T01N R19E.

Any protest against the approval of these applications must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 01/06/2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Publish: Wood River Journal-December 18 & 24, 2002.

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DEC 20 2002

Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources
Application For Permit

RECOMMENDATION OF WATERMASTER

Application No: 37-20834

Water Right No(s): 37-20834

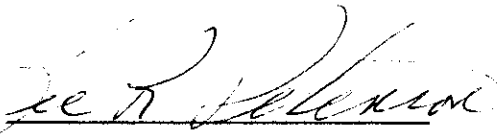
Applicant's Name: Walker Sand and Gravel LTD. Co.

Watermaster's Recommendation:

- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows.
- c) I oppose approval of this application for the following reasons:
- d) Additional Comment:

Dated this 18th day of December , 2002 .

Water District No. 37



Watermaster's Signature

MICROFILMED

DEC 20 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

December 11, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

WALKER SAND & GRAVEL LTD CO
PO BOX 400
BELLEVUE ID 83313

RE: Applications for Permit No. 37-20833 and No. 37-20834

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared for publication in the **Wood River Journal** on 12/18 & 12/24/02. Submittal of protests to the application will be allowed for a period ending ten days after the second publication. (January 6, 2003)

If an application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Mary A. Baldwin
Administrative Assistant I

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NOV 14 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 13, 2002

LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX T
SHOSHONE ID 83352

Re: Four Applications for Permit, one Transfer of Water Right and one Extension of Time To Avoid Forfeiture

Dear Mr. Peterson:

Enclosed are copies of various Applications within your District, and Watermaster's Recommendation Form(s).

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form(s) and return to this office.

Regional review of an untested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about an application, please contact this office or the applicant.

Very truly yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

MICHAEL J. BALDWIN

12/13/02

The following applications have been filed concerning the public waters of the State of Idaho, Blaine County:

WALKER SAND & GRAVEL LTD CO., PO BOX 400; BELLEVUE ID 83313

Application for Permit No. 37-20833

Source: GROUND WATER

Point of Diversion: SWNESW S24 T01N R18E

Use: 04/15 To 10/31

IRRIGATION (0.5 CFS)

Date Filed: 11/15/2002

Place Of Use: 25 acres within E1/2SW S24 T01N R18E

Remark: This application records a pre-1987 development for irrigation of 25 acres from a well. The well and land irrigated is located approximately 4.5 miles south of Bellevue between the Big Wood River and Hwy 75.

Application for Permit No. 37-20834

Source GROUND WATER

Point(s) of Diversion SWNESW, (2 points) SENWSW S24 T01N R18E

Use: 01/01 To 12/31

Industrial (3.47 CFS)

Date Filed: 11/15/2002

Place Of Use: SW S24 T01N R18E

Remark: This application proposes to add diversion capacity to three existing wells used for industrial use of washing rock and sand. Use is non-consumptive, water will be returned to aquifer through loss in existing pond. The wells and industrial use are located approximately 4.5 south of Bellevue between the Big Wood River and Hwy 75.

ROY R. WOODS, C/O JAMES P. SPECK, SPECK & AANESTAD, PO BOX 987; KETCHUM ID 83340

filed an **Amended Application for Permit No. 37-20809** on 12/4/02 as follows:

Point of Diversion: SESENE, S15, T05N, R17E

Source: GROUNDWATER

Use: 05/01 To 10/31

Place Of Use: IRRIGATION (0.05 CFS) of 1.8 Acres within E1/2, S15, T05N, R17E

The application proposes to divert groundwater from the "Eastern Snake River Plain Aquifer" presently under a moratorium order dated April 30th, 1993. The order allows the Director to consider on a case-by-case basis applications; if it can be shown the development will have no effect on prior surface and groundwater rights because of its location, insignificant consumption, or mitigation by the applicant to offset injury to other rights. The applicant has submitted material as evidence of pre-1987 development as part of the application

TIMBERVIEW TERRACE HOMEOWNERS ASSOCIATION, C/O JEFFREY BATES, PO BOX 3455; KETCHUM ID 83340

Application for Permit No. 37-20837

Source: GROUNDWATER

Points of Diversion: (2 Points) NESW S7 T03N R18E

Use: IRRIGATION 04/15 To 10/31 (0.15 CFS)

Use: DOMESTIC 01/01 To 12/31 (0.15 CFS)

Total Diversion: 0.3 CFS

Date Filed: 11/22/2002

Place Of Use: Domestic and 5 acres within NESW S7 T03N R18E

Remark: Application proposes to develop domestic and irrigation use within Timberview Terrace Subdivision located near the mouth of Greenhorn Gulch approximately 2 miles west and 6 miles north of Hailey. The application proposes diverting water from two existing wells for 10 homes within the five-lot subdivision. The 5 acres of proposed irrigation use is based on a ½ acre allowance per home.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

AIRPORT WEST PARTNERS, C/O JAMES P SPECK, SPECK & AANESTAD, PO BOX 987;

KETCHUM ID 83340 filed **Application No. 70260** on 9/19/02. Transfer application proposes changing the place of use of a 0.21 cfs and 8.82 acre portion of water right 37-7683. The changed portion will be diverted from an existing irrigation well and used to irrigate landscaping within the Airport West

Subdivision. The subdivision is located between Broadford Road and the airport, approximately 1.0 mile south and 0.5 miles east of the center of Hailey. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

An Extension of Time to Avoid Forfeiture of A Water Right was filed by Robert J. Struthers, Jr., 388 Gannett Rd; BELLEVUE ID 83313 on 10/23/02. The extension is requested to avoid loss of the water right due to non-use because portions of the appurtenant place of use has been sold.

Water Right No. 37-2593

Priority Date: February 1, 1957

Source: groundwater

Use: Irrigation (6.34 cfs) 4/15-10/31

Point(s) of Diversion: SWNW S20 T01N R19E

Place of Use: Portions of S20 T01N R19E.

Any protest against the approval of these applications must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 01/06/2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in the Wood River Journal on 12/18 & 12/24/02.

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax# : 736-3037

December 10, 2002

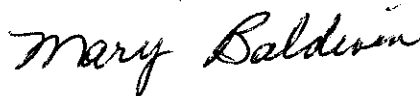
ATTN: Scott Kraus-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Dear Scott:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

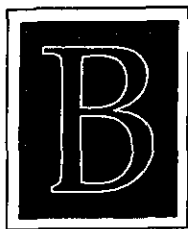
If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033. An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

MAILED
DEC 11 2002



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

NOV 15 2002

Department of Water Resources
Southern Region

November 15, 2002

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Water right applications and SRBA claims – Walker
Project No. 529-01-2001

Dear Allen:

Enclosed are the following applications and claims for Walker Sand and Gravel Ltd. Co., and for Jimmie R. and Kathy M. Walker:

Permit Application #1: Industrial use

This permit will cover additional non-consumptive use from a well known as the "Crusher Well" which has occurred due to increased pump size. The permit also provides for an additional 400 gpm for future expansion. If this permit is approved, a total of 5.90 cfs (2650 gpm) would be allowed from all wells.

Water from the industrial wells is withdrawn for use in the facility for washing gravel and sand. Spent water is directed to an existing recharge pit, where it returns to the aquifer rapidly by infiltration in the gravelly soil. This recharge pond has been in use at least since the original permit 37-8136 was acquired in the early 1980s. Another permit, 37-8532, with a priority date of 7/20/1989, also covers the industrial use. Both of these permits were granted prior to the moratorium on new consumptive use water rights. Therefore, any consumptive use which may be inherent in the water use, or which may occur by evaporation from the recharge pit, is covered by these earlier rights. The recharge pit covers approximately 4.4 acres, and is located in soil designated by the SCS as the Balaam-Adamson-Riverwash complex. This soil has an infiltration rate ranging from 8 ft/day in the upper layers to over 40 ft/day in cobble layers beginning about 1.5 feet below ground. To recharge the total well discharge, an infiltration rate of only 2.66 ft/day is required; therefore, the pit is easily capable of recharging the total well discharge with insignificant increase in water depth or water surface area. Therefore, the new

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

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permit application will not result in an increase in consumptive use over historical usage.

Permit Application #2: Irrigation.

Irrigation of 25.0 acres in the location shown on the attached map commenced in 1983 and has continued to the present. Water for this irrigation has been drawn from the well known as the "Valley Paving Well" and applied to the land with wheel line sprinkler systems. A water right permit was not acquired for this usage. The applicant recently became aware of the lack of a permit for this usage, and is requesting that this permit application be processed based on beneficial use that began prior to the moratorium. This land has not been irrigated with surface water; a review of historical photos from 1957, 1964, 1969, and 1977 confirms this.

An affidavit by Jim J. Walker is being submitted in support of this permit application. Mr. Walker testifies that the usage began in 1983 and has continued to the present, and that no other water, including surface water, has been used on this land.

An aerial photo workup of the 1987 infrared photo is also being submitted, showing this land clearly irrigated at that time.

Amendments to SRBA claims 37-235C, 37-236A, and 37-308A.

These claim amendments are being filed to correct the place of use description based on documented historical use. The claims are appurtenant to the north parcel purchased from Heath-Marshall in 2001. The acreage claimed is based on the 1964 aerial photo, which shows 28.4 acres irrigated as indicated on the attached map. Ownership of this land is in the name of Jimmie R. Walker and Kathy M. Walker, as evidenced by the attached deed.

Amendments to SRBA claims 37-235D, 37-236B, and 37-308B.

These claim amendments are being filed to correct the place of use description based on documented historical use. The claims are appurtenant to the south parcel purchased from Heath-Marshall in 1993, plus a small amount of historical irrigation on the original Walker property, as indicated on the

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attached map. The acreage claimed is based on the 1964 aerial photo, which shows 110.0 acres irrigated. This land is in the name of Walker Sand and Gravel, as evidenced by the attached deed.

Fees for the applications and claims are being submitted as follows:

Permit #1	3.47 cfs	\$370
Permit #2	0.50 cfs	\$250
Claims – north	10 unclaimed acres	\$10
Claims – south	26 unclaimed acres	\$26
TOTAL		\$656

Enclosed is Brockway Engineering check #4040 for \$656.00.

Sincerely,

Charles G. Brockway, P.E.

Enc.

cc: Jim Walker

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