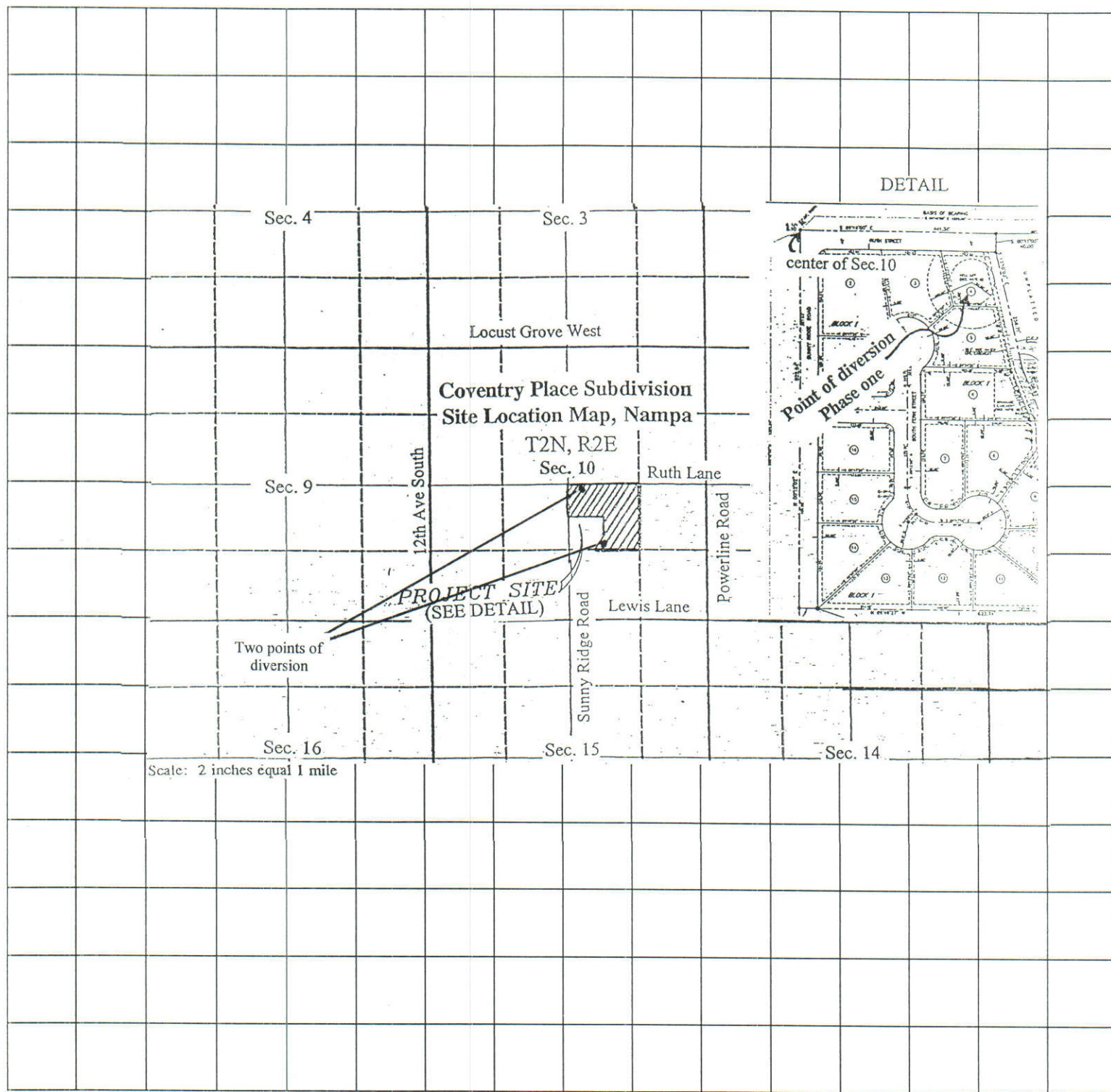


13. Map of Proposed project: Show clearly the proposed point of diversion, place of use, section number, township and range number.



scale: 2 inches equal 1 mile.

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

E. L. Jones UWID
 (Applicant)
 MICROFILMED
 JUN 09 1999
 1-15-98

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12506

UNITED WATER IDAHO INC

8248 W VICTORY RD

BOISE, IDA 83709-7332

Source: GROUNDWATER

Diversion Pt: NWSE Sec 10 T 02N R 02W in CANYON County.

Use: MUNICIPAL (3.500 CFS)

Total Diversion

(3.500 CFS)

Date Filed: 1/15/1999

T R S00

Applicant agrees to mitigate consumptive use in the future as needed. Water bearing zone to be appropriated is from 380 to 480 feet for two wells in Coventry Place Subdivision. Water to be used within local service area.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before MARCH 22, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

March 4, 11, 1999

8485

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WATER RESOURCES
WESTERN REGION

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WATER RESOURCES
WESTERN REGION

MICROFILMED

JUN 09 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12506

Proposed Priority: January 15, 1999 Maximum Diversion Rate: 3.50 CFS

This is to certify, that UNITED WATER IDAHO INC
8248 W VICTORY RD
BOISE ID 83709-7332

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MUNICIPAL	01/01 to 12/31	3.50 CFS

LOCATION OF POINT(S) OF DIVERSION: NWSE , Sec. 10, Township 02N, Range 02W
CANYON County

PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 2004.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
6. 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.
7. The issuance of this right does not grant any right-of-way or easement across the land of another.

MICROFILMED

JUN 09 1999

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 63-12506

CONDITIONS OF APPROVAL AND REMARKS

8. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
9. Two points of diversion are located within NWSE, S10, T02N, R02W.
10. Place of use is located within the service area of United Water Idaho, Inc.
11. Water bearing zone to be appropriated is from 380 to 480 feet.

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

23 rd day of April, 1999.

Karl J. Dreher
Karl J. Dreher, Director

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JUN 09 1999

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JAN 15 1999

WATER RESOURCES
WESTERN 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 United Water Idaho, Inc. Phone 362-7332

Post office address 8248 West Victory Rd. Boise, ID 83709-4165

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is 1/4 of NW 1/4 of SE 1/4, Govt. Lot. _____

Sec. 10 Township 2N Range 2W B.M. Canyon County; additional

points of diversion if any: Two points of diversion located within the same quarter quarter

4. Water will be used for the following purposes:

Amount 3.50 cfs for Municipal purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) 3.5 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Two subdivision wells. Well #1 (18-inch x 485-feet) 6 inch mains completed. Well # 2 proposed.

b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

c. Proposed well diameter is 18 inches; proposed depth of well is 450 feet.

d. Is ground water with a temperature of greater than 85F being sought? No

e. If well is already drilled, when? NA; Drilling firm NA

Well was drilled for (well owner) NA

7. Time required for the completion of the works and application of the water to be proposed beneficial use is

Ten (10) years (minimum 1 year).

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JUN 09 1999

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. Stockwater; list number and kind of livestock. _____
- c. Municipal; show name of municipality. See UWID's most recent Description of Municipal Service Area
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

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	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purpose as described above. All water rights held by United Water Idaho, Inc. for use within its service area

11. a. Who owns the property at the point of diversion? United Water Idaho, Inc.

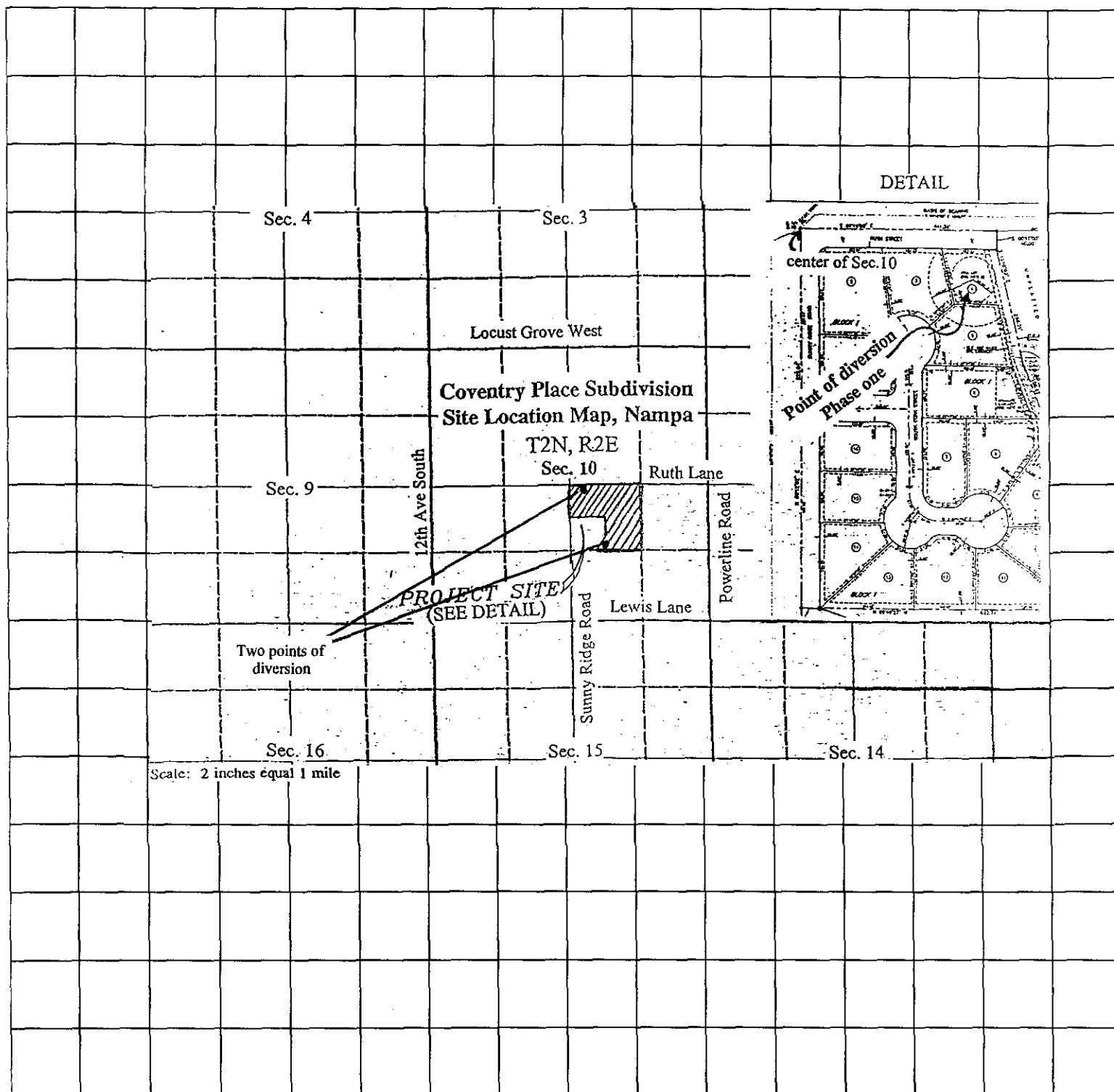
b. Who owns the land to be irrigated or place of use? N/A

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Not applicable to a municipal water right. Ownership of land has no bearing on UWID's service obligation.

12. Remarks: UWID seeks a municipal water right under the Municipal Water Right Act of 1996, Idaho Code 42-202, 42-202B, 42-217, 42-219, 42-222. However, the City intends to use the water solely to meet current needs and does not assert any claim for a "future need" component to the right under the Municipal Water Right Act of 1996.

MICROFILMED
JUN 09 1999

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



scale: 2 inches equal 1 mile.

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

E. L. L. L. UWID
MICROFILMED (Applicant)
1-15-98
JUN 09 1999

Received by ST Date 1/15/99 Time 11:47 Preliminary check by LG
Fee \$ 16000 Received by ST # W024716 Date 1/15/99
Publication prepared by ST Date 2/24/99 Published in Idaho Press Tribune on 3/4/99
Publication approved ST Date 4/6/99

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 _____.
- 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 right 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: _____

MICROFILMED

JUN 09 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 23, 1999

UNITED WATER IDAHO INC
8248 W VICTORY RD
BOISE ID 83709-7332

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12506

Dear Permit Holder:

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

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

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

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

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

MICROFILMED
JUN 09 1999

to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

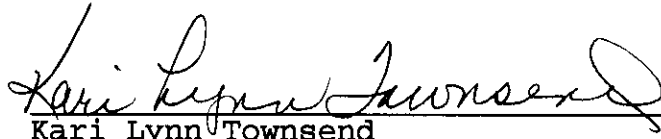
MICROFILMED
JUN 09 1999

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of April, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 63-12506

UNITED WATER IDAHO INC
8248 W VICTORY RD
BOISE ID 83709-7332


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 09 1999

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy L. L...No.: 103-17306 Name: UWI, Inc. Date: 4/22/99 Ad OK? ☒ Gvmt Lts: ☒AREA OF CONCERN: - No Yes: BRD Mor / GWMA / Trust / Non-trust

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

SYSTEM COMPLETED: - 264-P17
- P18
> 1 year
≤ 1 year/no proof

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

All wells (✓ WDQ3) - 04-P23

In Basin 34? - 085

~~In within WD~~ - ~~P05~~ (new well location)

WMD (✓ MAP) - North / East / West

> 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres - No MD

WMD

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

~~Supp irr uses~~ - ~~100-104~~> 0.24 cfs/5 acres - ~~041~~ (report when notified)

≤ 0.24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED: - YES / NO; WHEN: _____ RESPONSE: _____

IN/ABOVE MSF (✓ MAP) - *WB9

IN-STREAM DEVELOPMENT - P52 (stream channel alteration)

WD (✓ MAP & LISTING) - R04 (WD # _____)

> 0.20 cfs - 01J-P08 (MD & LD)

≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

Snake R (01) - *W22-P04, NA

(02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's) - 029 (fish screens), NA

Weiser R (67) - 086, 087

USE:

STORAGE (✓3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

STOCKWATER - R37 (BLM/USFS); NA

MINING - 054(req) -081-P10

FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-P10

HEATING/COOLING - R07 (injection well)

POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

MUNICIPAL

~~In restricted area?~~ - ~~022-075-004~~ (+memo?)

Irr., GW supp. to SW? - 102

DOMESTIC

Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

>1 in rest. area - 071-070

FIRE PROTECTION

- 077

LOCATION:

BOISE FRONT LOGEO - 058 (<85° GW temp only)

MITIGATION - 120

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

SWAN FALLS FLAG (✓Code)

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

Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS: - 1 W40 2 W32/2BENEFICIAL USE DUE: - 5/1/2004

COMMENTS:

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
APR 21 1999
DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: lg DATE: 2/16/99 APPLICATION: 63-12506

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water: - asked for 10 yrs
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Gov't. Lots:
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

☒ ADVERTISE REMARK(S) per data entered copy
(Reviewer identify which remarks)

☒ T FLAG CHANGED TO P FLAG

YES NO

- N/A ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ Overlapping point of diversion.
- ☒ Critical groundwater area:
- ☒ Groundwater management area:
- ☒ 1992 moratorium: exempt
- ☒ Surface water source, IDFG letter needed.
- ☒ Bull trout impact area, IDFG letter needed
- ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ E-mail to Dam Safety staff: (for any storage)
- ☒ Mitigation plan: Check any that apply.
☐ immediate = acceptable plan required and submitted.
☒ future = open areas, acceptance of condition of approval is in file.
- ☒ Send power requirement letter &/or fish farm requirement letter.
- ☒ Power residency affidavit:
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

RECEIVED
APR 21 1999

Department of Water Resources

mit. plan + water bearing zone

Date Requested 2/3/99 Date Response Received 2/15/99

PROCESSING

APP. NO. 12-12506

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:
☐ ☐ Final date for protest 3-22-99
☐ ☒ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Water delivered by water master? District # _____
☒ ☐ Special conditions of approval or cover letter: 046,120 Development
period limited to 5 years.

See below for additional information

Recommended Date or Priority 1/15/99
Recommended by: Gary S Date: 4/16/99

ADDITIONAL INFORMATION:

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Carolyn Roberson

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Twice

— in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:
March 4 and 11, 1999

RECEIVED

MAR 18 1999

WATER RESOURCES
WESTERN REGION

Carolyn Roberson

STATE OF IDAHO)
)
COUNTY OF CANYON)

On this 11th day of March
in the year of 1999, before me, a Notary
Public, personally appeared Carolyn Roberson,
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/she
executed the same.

MICROFILMED

JUN 19 1999

Janae Lusk

Notary Public for Idaho
Residing at Nampa

MY COMMISSION EXPIRES
JUNE 21ST, 2003

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12506

UNITED WATER IDAHO INC

8248 W VICTORY RD

BOISE, IDA 83709-7332

Source: GROUNDWATER

Diversion Pt: NWSE Sec 10 T 02N R 02W in CANYON County.

Use: MUNICIPAL (3.500 CFS)
Total Diversion (3.500 CFS)

Date Filed: 1/15/1999

T R S00

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Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before MARCH 22, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

March 4, 11, 1999

8485

RECEIVED

MAR 18 1999

WATER RESOURCES
WESTERN REGION

MICROFILMED

JUN 09 1999

United Water



United Water Idaho
Geosciences Department
telephone (208) 362-7332
facsimile (208) 362-3858

RECEIVED

FEB 16 1999

WATER RESOURCES
WESTERN REGION

United Water Idaho
8248 West Victory Road
PO Box 7488
Boise, ID 83707-1488

Fax

COVER SHEET

Date: 2-15, 1999.

Time: 10:01 AM / PM.

To: Lori Graves at FAX: () .

Company: IDWR - WR at phone () 334-2190 .

From: E. Squires

Subject: Coventry Place mitigation form .

Number of pages including this cover sheet: _____ page(s).

cc: _____.

Dear Lori .

- 1) Signed hard copy is in the mail today.
- 2) Water bearing zone to be appropriated is 380 feet - to - 480 feet below ground.

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REQUEST TO PROCESS

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

Name of Applicant United Water Idaho ("UWID")
Mailing Address 8248 W. Victory Road
P.O. Box 7488
Boise, ID 83707-1488
Application No. 63-12424 Coventry Place
(if known)

IN LOCAL PUBLIC INTEREST

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

PROPOSE MITIGATION NOW

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

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

PROTEST

This IDWR form states that UWID's water right application will not be processed unless the applicant commits in advance to unquantified mitigation at some point in the future. Rather than delay this application by contesting in the abstract a

demand which may never be imposed, UWID agrees to the condition under protest.

UWID hereby expressly reserves the right, should the IDWR seek to compel compliance with the condition, any legal claim or defense (including but not limited to claims of a "regulatory taking") which might be asserted in connection with this Response Form.

UWID further reserves the right to demand that the conditions agreed to herein be removed from the water right permit or license, if and when the Director (or other appropriate entity) determines that mitigation is not required or cannot be legally imposed.

UWID further states that it is its understanding of the above conditions that, should mitigation ever be found necessary, any such requirement will be imposed prospectively only at that time, and that the IDWR will not be entitled to require "make-up" water on the basis of exercise of the water right prior to such demand.

Signature

E. Aquino United Water Idaho, Inc.

Date

2-15-1999

Please return this form to:

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



State of Ida.

DEPARTMENT OF WATER RESOURCES

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

February 3, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

United Water Idaho, Inc.
c/o Ed Squires
8248 W Victory Rd
Boise ID 83709-4165

RE: APPLICATION FOR PERMIT (Coventry Place Subdivision Wells)

Dear Ed:

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

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

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

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

- (1) can demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish;

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

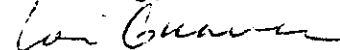
The purchase or rental of storage water, which can be used for flow augmentation, may be the most available form of mitigation that could be used for mitigation, should mitigation be necessary. Under alternative 3 above, mitigation is not required when the application is processed, but may be required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

The Director retains jurisdiction over this permit and any subsequent license to require the right holder to provide purchased or leased water from natural flow or storage, or other mitigation acceptable to the Director, to offset depletion of Lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit and any subsequent license.

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

Also, before processing can continue, please submit the water bearing zone that United Water plans to appropriate ground water from for municipal use from the proposed wells. Thanks Ed.

Sincerely,



Lori Graves
Water Agent

Enclosure

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United Water



RECEIVED

JAN 19 1999

WATER RESOURCES
WESTERN REGION

United Water Idaho
8248 West Victory Road
PO Box 7488
Boise, ID 83707-1488
telephone 208 362 1300
facsimile 208 362 1479

January 19, 1999

Mr. Steve Lester 
Water Rights Supervisor
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Subject: United Water Idaho's Coventry Place Application for Permit

Dear Mr. Lester:

This letter follows United Water Idaho's (UWID) Application for Permit to Appropriate Water filed with your office on the 15th of January, 1999. The filing makes reference to UWID's "*Description of Service Area for United Water Idaho*" relative to Place of Use. Because this most recent filing, for our service area south of Nampa, Idaho (Coventry Place Subdivision), is presently non-contiguous to our Boise service area, we reviewed the current version of the service area description and believe that it is sufficiently broad to encompass this new service area in Nampa. The Description states:

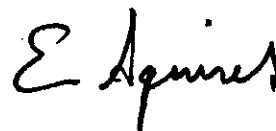
UWID serves customers and other water users within the city of Boise, Idaho, as well as a number of nearby communities, unincorporated areas and rural customers within the Treasure Valley. . . .

From time to time, however, UWID will provide service to adjacent or outlying areas within the general vicinity which are not immediately connected to UWID's main distribution system. . . .

Even though this description is broad enough to cover the Coventry Place application, we are in the process of updating the Description again. Specifically will supply maps which expressly show that UWID is now serving as far away as Nampa and beyond.

I hope this explanation is helpful to your consideration of UWID's application.

Sincerely,



Ed Squires

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State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

FEBRUARY 24, 1999

Legal Notices Department
Press-Tribune
P.O. Box 9399
Nampa, ID 83652

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before MARCH 22, 1999.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

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NOTICE OF APPLICATION FOR WATER RIGHT

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

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63-12506

UNITED WATER IDAHO INC
8248 W VICTORY RD
BOISE, ID 837097332

Source: GROUNDWATER

Diversion Pt: NWSE Sec 10 T 02N R 02W in CANYON County.

Use: MUNICIPAL (3.500 CFS)
Total Diversion: (3.500 CFS)

Date Filed: 1/15/1999

T R S00

Applicant agrees to mitigate consumptive use in the future as needed. Water bearing zone to be appropriated is from 380 to 480 feet for two wells in Coventry Place Subdivision. Water to be used within local service area.

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JUN 03 1999

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before MARCH 22, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 3/ 4/1999 & 3/11/1999

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