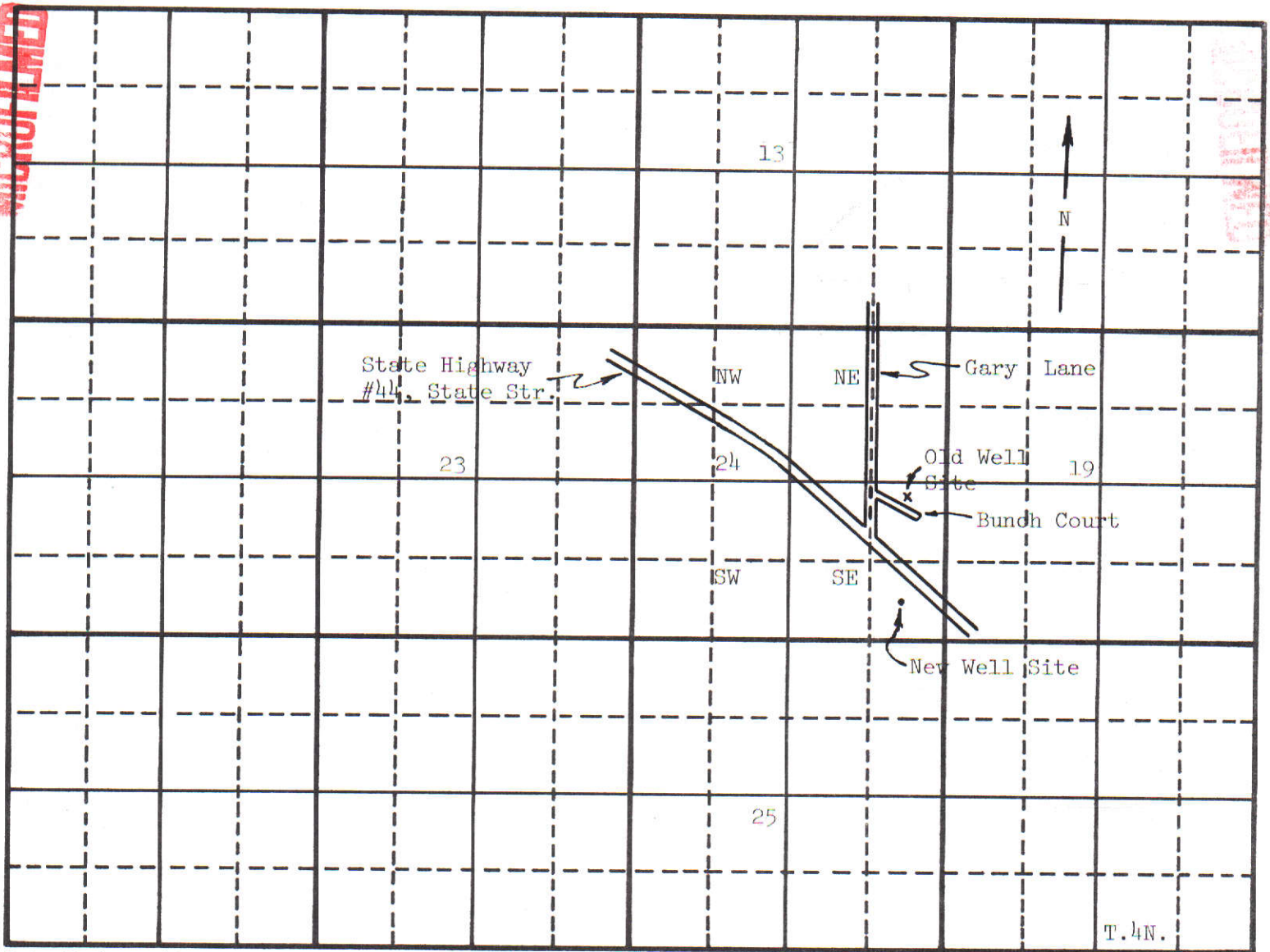


Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

R.1E. R.2E.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Boise, this 10 day of August, 1978
[Signature]
(Signature)
President

FOR DEPARTMENT USE ONLY

Preliminary check by Fee = \$20.00 712403 Received by Date 8-16-78
Publication prepared by Date 8-17-78 Published in The Idaho Statesman
Publication dates 8/24 & 8/31

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Chief, Operations Bureau of the Department of Water Resources hereby
APPROVED this application for amendment.

Witness my hand this 15th day of December, 1978

[Signature]
CHIEF, Operations Bureau

Nancy E. Smith, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

Nancy Smith

day of August, 19 78.

John A. Young

OK

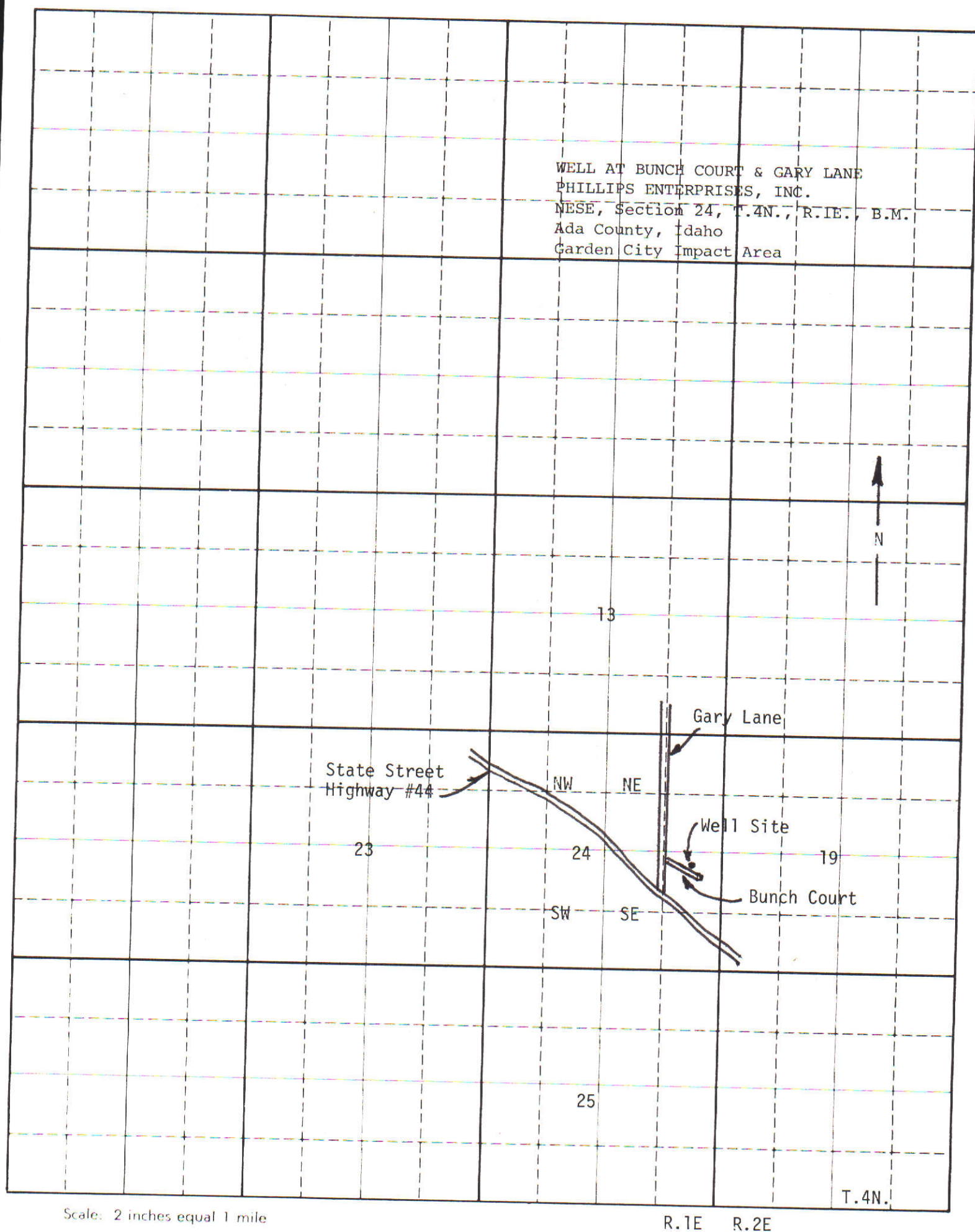
616

RECEIVED
SEP 6 1978

Department of Water Resources
Western Regional Office

MICROFILMED

11. 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.

Phillips Enterprises, Inc.
 (Applicant)
Jerry D Phillips
R.M. Phillips

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Nancy C. Smith, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

two insertions, beginning with the
issue of April 20, 1978, and ending with the
issue of April 27, 1978.

Nancy E Smith
Subscribed and sworn to before me this 27th
of April, 1978.

Notary Public for Idaho, Residing at Boise, Idaho

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Phillips Enterprises, Inc., 4774 Chinden Blvd., Boise, Idaho, has on April 10, 1978 submitted Application No. 63-9134 for a permit to appropriate 3.0 cubic feet per second of water from a groundwater source by means of well and pump within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 24 T4N-R1E B.M., Ada County to be used from Jan. 1 to Dec. 31 for municipal use within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 24 T4N-R1E B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83705 on or before May 8, 1978.

C. STEPHEN ALLRED
Director
Pub. April 20, 27, 1978

9760

UNPROFITABLE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 31 1987

Department of Water Resources

A. GENERAL INFORMATION

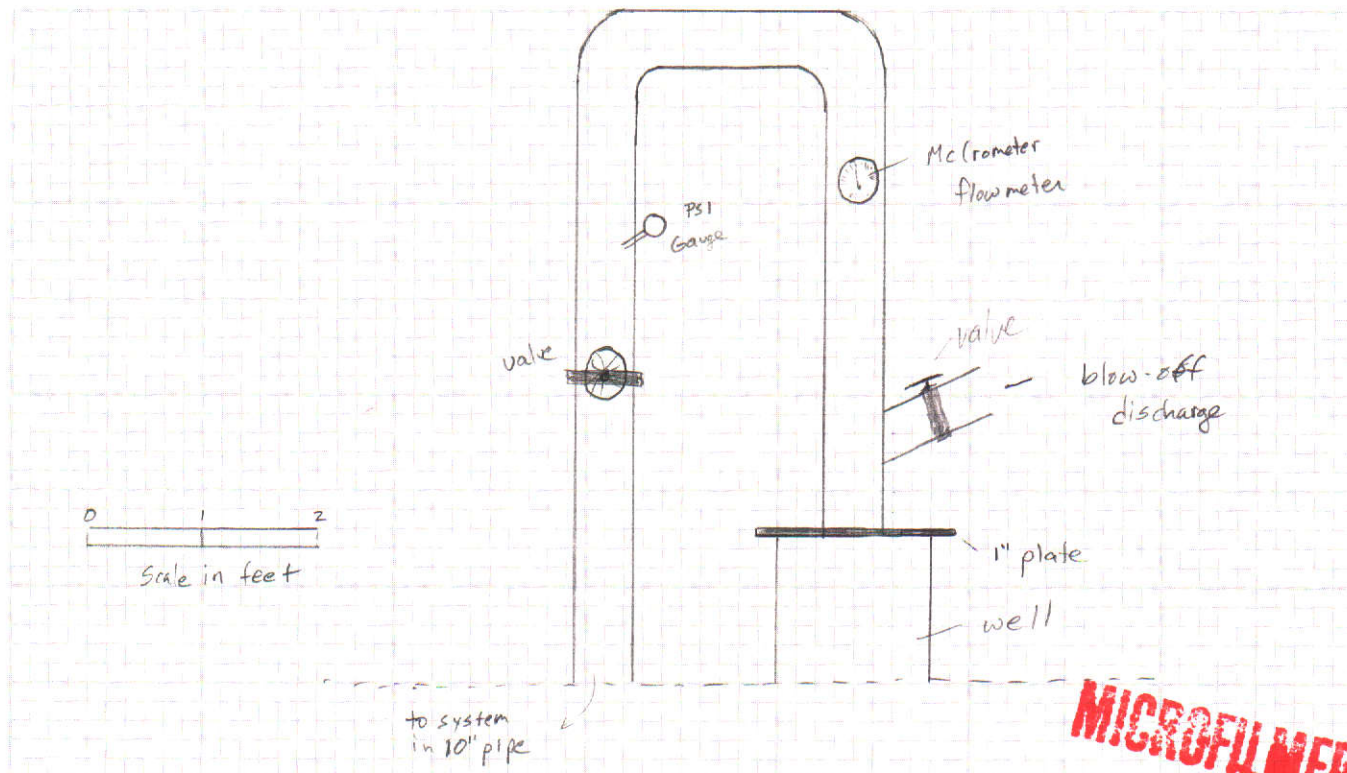
1. Owner: City of Garden City Attn: Carlyle Briggs Permit No. 63-9134
Phone No. 377-1831
Current Address: City Hall, 201 E. 50th St., Garden City, ID 83714
2. Accompanied by: Carlyle Briggs EXAM. DATE: 9/25/86
Address: 619 Grove St., Boise ID 83702 Phone No. 343-3381
Relationship to Permit Holder: City Engineer
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: none for municipal use
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: as above
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. 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 or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

MICROFILMED

JUL 24 1990

CONTRACT

THIS AGREEMENT entered into this 28th day of July, 1978, by and between GARY LAND DEVELOPMENT CO., INC., by and through its president, David W. Watkins, and its secretary, Michael Balbas, hereinafter known as GARY, and PHILLIPS ENTERPRISES, INC., by and through its president, Richard M. Phillips, and its secretary, Jerry D. Phillips, hereinafter referred to as PHILLIPS, and PLANTATION DEVELOPMENT, INC., by and through its president, William A. Rundell, and its secretary, Norman J. Zuckerman, hereinafter referred to as PDI:

WITNESSETH:

WHEREAS, GARY is the owner of that certain piece of real property situate in Ada County, Idaho more fully described on Exhibit A, attached hereto, and by this reference made a part hereof as though fully set forth herein; and

WHEREAS, PHILLIPS is the owner of that certain piece of real property more fully described on Exhibit B, attached hereto, and by this reference made a part hereof as though fully set forth herein; and

WHEREAS, PDI has purchased from Jenal, Inc., an Idaho corporation, that certain piece of real property situate in Ada County, Idaho more fully described on Exhibit C, attached hereto, and by this reference made a part hereof as though fully set forth herein; and

WHEREAS, the parties hereto have determined that it is in their mutual best interest to collaborate in the construction of a well on that parcel of property described on Exhibit C, attached hereto, and of a delivery system for the water obtained from said well to the properties described on Exhibit A and Exhibit B, attached hereto;

NOW, THEREFORE, for and in consideration of the covenants and conditions contained herein, the parties hereto agree as follows:

1. The parties hereto do hereby join in collaboration for the purpose of constructing a well and water system on the property described on Exhibit C, attached hereto, for the purpose of delivering water to the southeastern boundary of the property described on Exhibit A,

attached hereto, and the southeastern boundary of the property described on Exhibit B, attached hereto.

2. Within ten (10) days of the execution of this agreement, GARY and PHILLIPS agree to place the following sums in a checking account with the Idaho First National Bank, Head Office:

GARY - Seventeen Thousand Six Hundred Dollars (\$17,600.00) and

PHILLIPS - Twenty-two Thousand Fifty Dollars (\$22,050.00),

which figures represent a pre-pay water connection fee, paid by said parties,

TO-WIT:

GARY shall pay Four Hundred Dollars (\$400.00) for each of forty-four (44) connections, and

PHILLIPS shall pay Two Hundred Twenty-five Dollars (\$225.00) for each of ninety-eight (98) connections.

It is agreed by and between the parties hereto that checks drawn on said checking account with the Idaho First National Bank, Head Office, shall be invalid unless the signatures of Richard Phillips, David Watkins and Roy Johnson all appear thereon. Said sums shall be used to defray the expenses incurred in the construction of said well and water system.

3. Failure of GARY or PHILLIPS to deliver said sums to the Idaho First National Bank within ten (10) days of the execution of this agreement shall void this contract without prejudice to any party.

4. PDI, as additional consideration for this agreement, shall, through its engineer, Roy Johnson, manage the construction of said well and water system, and does hereby covenant as follows:

(a) PDI shall be responsible for obtaining all permits and licenses required for the successful completion of the project and for granting the appropriate easements required for said project on land owned by PDI.

(b) PDI agrees that the water well and water system shall be completed and water delivered to the southeastern boundary of the

property described on Exhibit A, attached hereto, and to the southeastern boundary of the property described on Exhibit B, attached hereto.

(c) PDI further agrees that the water obtained from said well shall be delivered to said property (Exhibits A and B herein) no later than September 1, 1978. Said water delivery system shall utilize eight inch pipe throughout and shall conform to all specifications required for such projects by Garden City.

9.D.P. *[Handwritten initials]*
[Handwritten signature]
[Handwritten initials]
~~5. The parties hereto understand and agree that the successful completion of the project contemplated herein depends upon the obtaining of proper easements across adjacent properties for the purpose of installing the water system. Failure by one or more of the parties hereto to obtain the appropriate easements shall be deemed a breach of the terms of this agreement and this contract shall terminate without prejudice to the parties hereto, except that any expenses incurred prior to the occurrence of said breach shall be covered out of the checking account with the Idaho First National Bank, Head Office.~~

6. It is contemplated by and between the parties hereto that upon the successful completion of the digging of the well and the creation of the water system, that said well and water system shall be dedicated to Garden City, Ada County, Idaho. In the event that additional connection fees are obtained by Garden City for connection by other parties to the water system created hereby, said fees so collected by Garden City and due and owing the parties hereto, shall be paid first to PDI, up to the amount that PDI has expended on the project as of that date.

7. The total financial contribution required of PHILLIPS and GARY is as listed, and any additional expense to deliver water to the properties described on Exhibits A and B, attached hereto, shall be borne by PDI.

MICROFILMED

IN WITNESS WHEREOF, this agreement has been executed as of the day
and year first above written.

GARY LANE DEVELOPMENT CO.

ATTEST:

Michael Balbas
Michael Balbas, Secretary

by:

David W. Watkins
David W. Watkins, President

PHILLIPS ENTERPRISES, INC.

ATTEST:

Jerry D. Phillips
Jerry D. Phillips, Secretary

by:

Richard M. Phillips
Richard M. Phillips, President

PLANTATION DEVELOPMENT, INC.

ATTEST:

Norman J. Zuckerman
Norman J. Zuckerman, Secretary

by:

William A. Rundell
William A. Rundell, President

STATE OF IDAHO)
) ss
County of Ada)

On this 31 day of July, 1978, before me, a notary public in and for said State, personally appeared DAVID W. WATKINS and MICHAEL BALBAS, known to me to be the president and secretary, respectively, of the corporation known as GARY LANE DEVELOPMENT CO., and acknowledged to me that such corporation executed the same.

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

Mary E. Hill
Notary Public for Idaho
Residing in Boise

STATE OF IDAHO)
) ss
County of Ada)

On this 28th day of July, 1978, before me, a notary public in and for said State, personally appeared RICHARD M. PHILLIPS and JERRY D. PHILLIPS, known to me to be the president and secretary, respectively, of the corporation known as PHILLIPS ENTERPRISES, INC., and acknowledged to me that such corporation executed the same.

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

June F. Roberts
Notary Public for Idaho
Residing in Boise

STATE OF IDAHO)
) ss
County of Ada)

On this 3rd day of August, 1978, before me, a notary public in and for said State, personally appeared WILLIAM A. RUNDELL and NORMAN J. ~~known to me to be the president and the secretary, respectively,~~ known to me to be the president and the secretary, respectively, of the corporation known as PLANTATION DEVELOPMENT, INC., and acknowledged to me that such corporation executed this instrument.

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

Debbie S. Anderson
Notary Public for Idaho
Residing in Boise

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 63-09134

Priority: June 27, 1978

Maximum Diversion Rate:

1.43 CFS

This is to certify, that CITY OF GARDEN CITY

201 E. 50TH ST.

GARDEN CITY, ID 83714

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 10, 1978; and has submitted Proof of Beneficial Use on February 16, 1984. An examination indicates that the works have a diversion capacity of 1.430 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>
MUNICIPAL	01/01 to 12/31	1.43 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 24, Township 04N, Range 01E
ADA County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Place of use within city limits of Garden City.

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 17TH day of July, 1990.

Acting for

R. Keith Higginson, Director

MICROFILMED

JUL 24 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

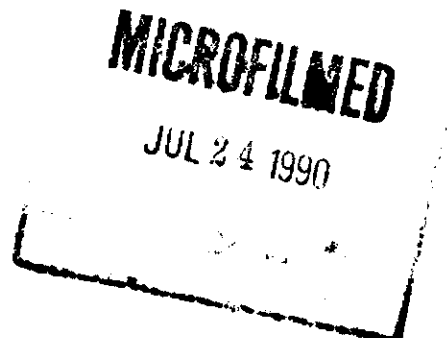
IN THE MATTER OF PERMIT)
NO. 63-9134 IN THE NAME OF)
CITY OF GARDEN CITY)

ORDER ADVANCING
DATE OF PRIORITY

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 63-9134 for issuance of a license, the Department finds, concludes and orders:

FINDINGS OF FACT

1. The Department approved Application for Permit No. 63-9134 to appropriate the public waters of the State of Idaho with a proposed priority of APRIL 10, 1978.
2. On APRIL 30, 1986 the Department advised the permit holder that a license examination fee was required before an examination could be conducted to confirm the extent of use developed under the permit. The examination fee was due on JUNE 29, 1986.
3. The license examination fee was received on SEPTEMBER 15, 1986, 78 day(s) late.



CONCLUSIONS OF LAW

1. The Director may advance the priority date of the permit one day for each day the license examination fee is late, pursuant to the provisions of Section 42-217, Idaho Code.

2. The date of priority of Permit No. 63-9134 should be advanced 78 day(s).

ORDER

IT IS HEREBY ORDERED that the date of priority of Permit No. 63-9134 is advanced to JUNE 27, 1978

Dated this 13th day of June, 1990

J. Glen Saxton
Chief, Water Allocation Bureau

MICROFILMED

JUL 24 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Phillips Enterprises, Inc.

of (address) 4774 Chinden Blvd. Boise, Idaho 83704, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 63-9134, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, Township 4N, Range 1E, B.M.,
County of Ada. Other points of diversion: None

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

Amount 3.0 CFS for Municipal purposes from Jan. 1 to Dec. 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)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	1E	24				4.5									7.5				12.0

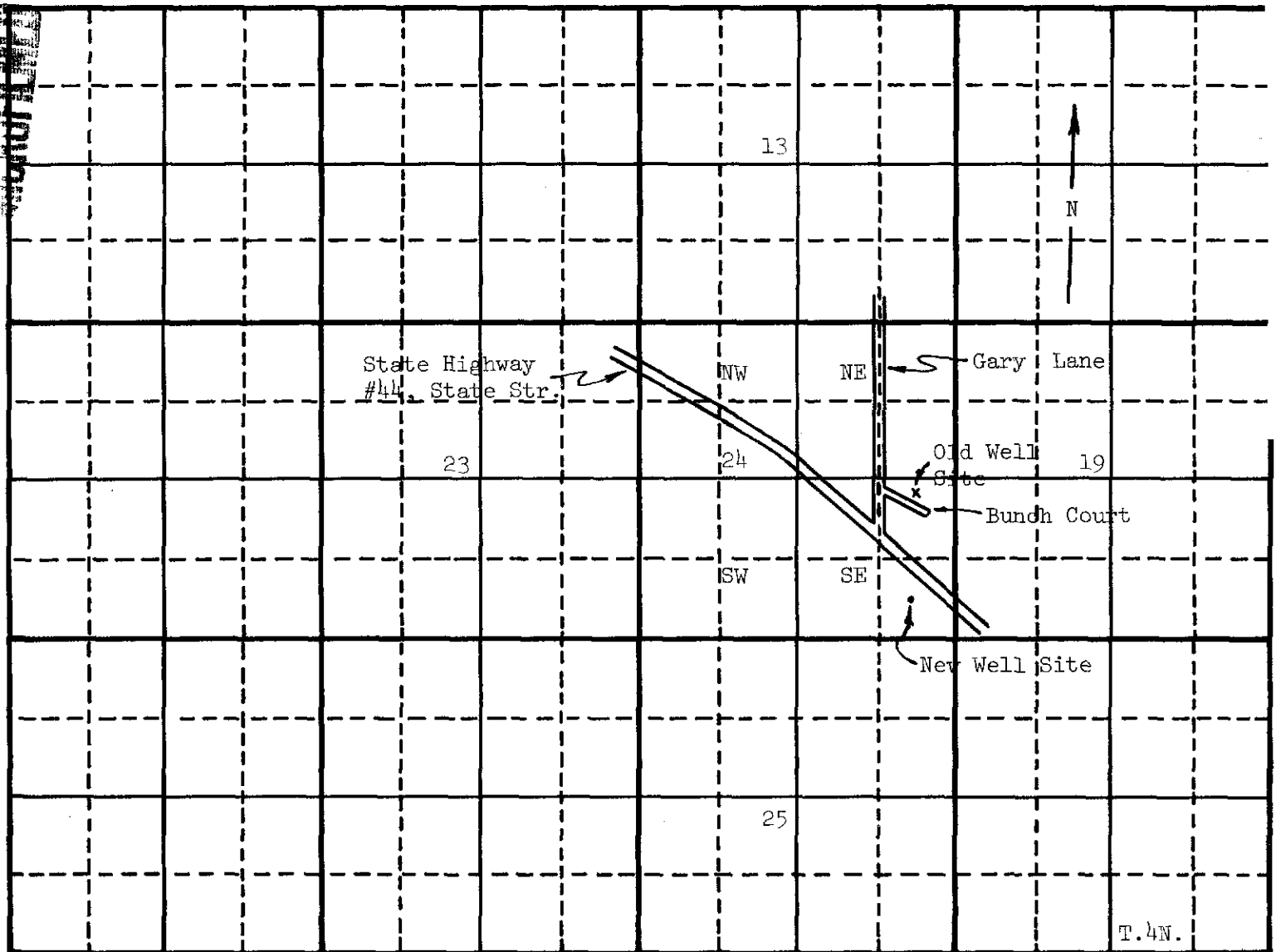
Total number of acres to be irrigated = 12.0

4. a. Who owns the property at the point of diversion? Plantation Development, Inc.
b. Who owns the land to be irrigated or the place of use? Phillips Enterprises, Inc.
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: See attached Contract

RECORDED

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

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

R.1E. R.2E.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Boise, this 10 day of August, 1978
[Signature]
(Signature)
President

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$20.00 712403 Received by at Date 8-16-78
Publication prepared by at Date 8-17-78 Published in The Idaho Statesman
Publication dates 8/24 & 8/31

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Chief, Operations Bureau _____ of the Department of Water Resources hereby
APPROVED this application for amendment.

Witness my hand this 15 day of December, 1978

[Signature]
CHIEF, Operations Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 63-9134 IN THE)
NAME OF CITY OF GARDEN CITY, IDAHO) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before May 1, 1983; and,

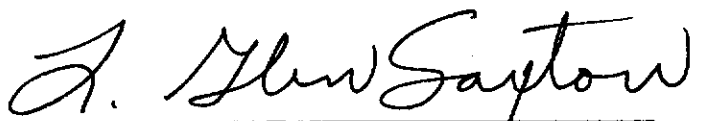
WHEREAS, the Department has notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, the Department has notified the permit holder that the permit has lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, it has been determined that proper notice was not given to the permit holder sixty days prior to the date that proof of beneficial use of water was due as required by Section 42-204, Idaho Code;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 63-9134 be REINSTATED with no advance in priority.

Dated this 17 th day of April, 1984.


L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

State of Idaho
Department of Water Resources

RECEIVED
FEB 16 1984

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Phillips Enterprises, Inc., hereby assign to City of Garden City, Idaho

of 201 E. 50th Street, Garden City, Idaho 83704

Address

CHECK ONE



All my right, title, and interest in and to Permit No. 63-9134
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 30th day of August, 1978.

PHILLIPS ENTERPRISES, INC.

By: [Signature]

Permit Holder Richard M. Phillips,

[Signature]
Spouse of Permit Holder Secretary,
Jerry D. Phillips.

State of Idaho)

County of Ada)

ss.

On this 30th day of August, 1978, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

[Signature]
Notary Public residing at

Burien Idaho

My commission expires:

11-14-78

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 63-9134)

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows:

"The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

Glen Saxton

GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

STATE OF IDAHO)

)SS.

COUNTY OF ADA)

Nancy E. Smith

two

insertions, beginning with the

issue of August 24 , 19 78 , and ending with the

issue of August 31, 1978.

Nancy Smith

Subscribed and sworn to before me this 31st

day of August, 19 78.

Lana A. Jones

Notary Public for Idaho, Residing at Boise, Idaho

Notice is hereby given that Permit No. 63-141 in the name of Phillips Enterprises, Inc. was issued for the diversion of 3.0 cubic feet per second of water from groundwater with the point of diversion within the NE 1/4 SE 1/4 Sec 24 T 4N R 1E, B.M. to be used from Jan. 1 to Dec. 31 for Municipal purposes within the NE 1/4 SE 1/4, SE 1/4 NE 1/4 Sec 24 T 4N R 1E, B.M.

The permit holder now proposes to amend Permit No. 43-9134 by changing the point of diversion to SE 1/4 Sec 28 T 4N-R 1E, B.M.

Any protests to this proposed amendment of the permit must be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83706 on or before September 11, 1988.

C. STEPHEN ALLRED
Director
Pub. Aug. 24, 31, 1978

616

SEP 6 1978

Department of Water Resources
Western Regional Office

1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

Send copy of all correspondence to:
Carlyle W. Briggs, P.E.
619 Grove Street
Boise, Idaho 83702
Tel. 343-3381

Identification No. _____
Application No. 63-9134
Glenbrier Well

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Phillips Enterprises, Inc. Phone: 376-4661 or 376-1621
post office address 4774 Chinden Blvd. Boise, Idaho 83704
2. Source of water supply well which is a tributary of N.A.
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24 Township 4N.
Range 1 E. B.M. Ada County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into N.A. at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 3.0 CFS for Municipal purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 3.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Deep well, pump and underground
Pipelines

b. Height of storage dam N.A. feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 16 inches; proposed depth of well is $\pm$ 300 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 30,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24 Township 4N.
Range 1E B.M. _____
(2) Amount of power to be generated: N.A. hp under _____ feet of head.
(3) List number of each kind of livestock to be watered N.A.

(4) Name of municipality to be served Garden City Impact Area, or number of families to be
supplied with domestic water 100 initially, then several hundred more as area develops.
(5) If water is to be used for other purposes describe: _____
N.A.

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

[illegible]

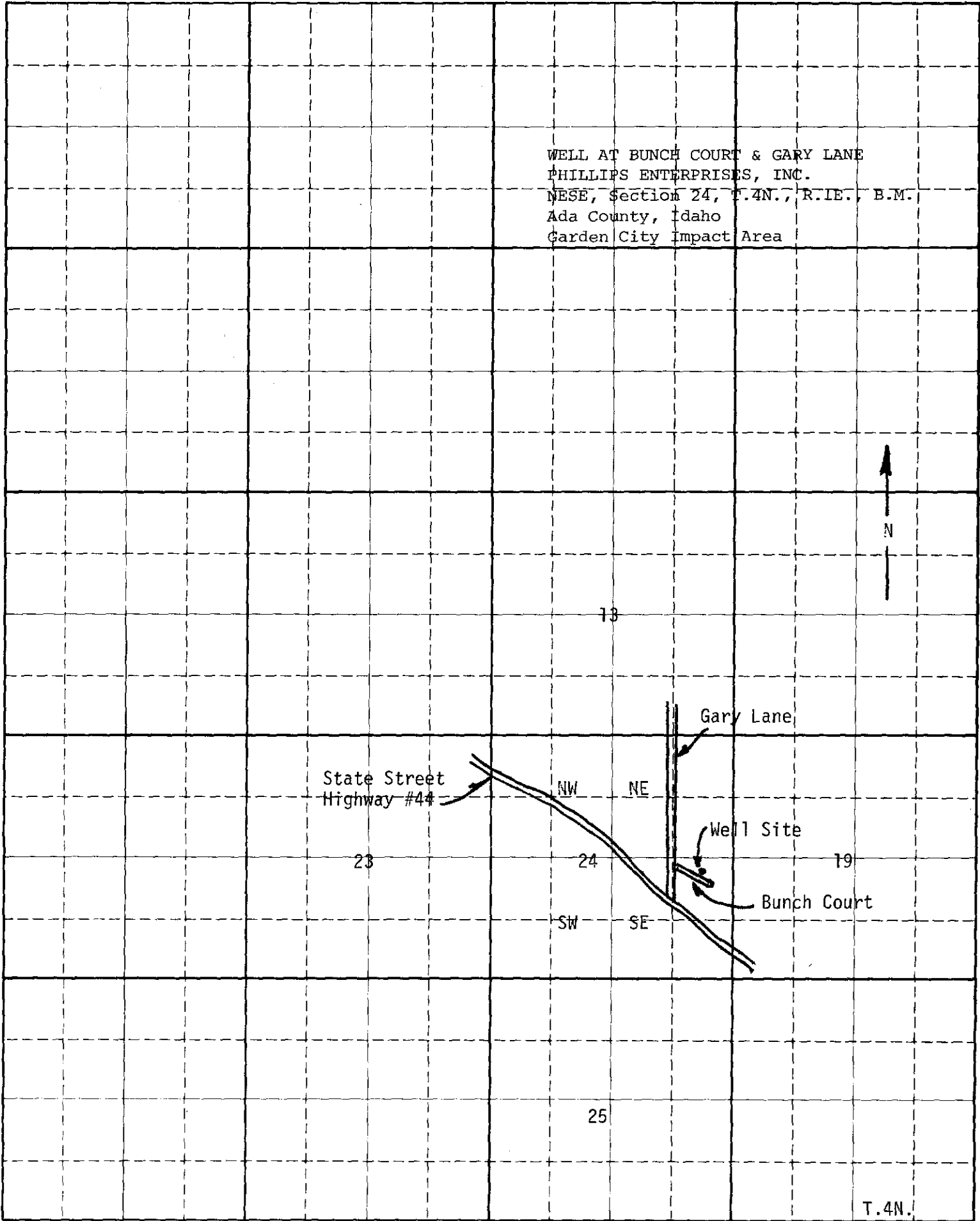
Total number of acres to be irrigated 12.0

c. Describe any other water rights used for the same purposes as described above. None
Surface water previously available to this property will not be used in
the future.

9. a. Who owns the property at the point of diversion Phillips Enterprises, Inc.
b. Who owns the land to be irrigated or place of use Phillips Enterprises, Inc.
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing N.A.

10. Remarks _____

11. 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.

Phillips Enterprises, Inc.
 (Applicant)
Gerry D Phillips
R. M. Phillips Pres.

Proposed Priority 4/10/78

Received by P.W.H. Date 4-10-78 Time 11:40 AM.
Preliminary check by P.W.H. Fee \$ 45.00
Receipted by JF Date 4-10-78 # 11031
Publication prepared by JF Date 4-13-78
Published in Idaho Statesman
Publication dates April 20 & 27, 1978
Publication approved JF Date 5-2-78
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DBS 6

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. 63-9134, and said application is hereby APPROVED.

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 May 1, 19 83.
- c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

2. Denial of said application is for the following reasons: _____

Witness my hand this 22nd day of May 19 78.

Norm C. Young
Administrator

STATE OF IDAHO)

) ss.

COUNTY OF ADA)

Nancy E Smith

two

Nancy E Smith

Subscribed and Usworn to before me this 27th

day of April, 1978.

Harvey Enggren

Notary Public for ~~Idaho~~, Residing at Boise, Idaho

01/4/2019

Nota

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Phillips Enterprises, Inc., 10000 Phillips Blvd., Dallas, Texas 75243, has been authorized by the Texas Department of Transportation to install and maintain a water pump within the NE14SE1/4, Sec. 34 T4N-R1E, B.M. Ada County, Idaho from Jan. 1 to Dec. 31 for use within the NE14SE1/4, SE1/4, Sec. 34 T4N-R1E, B.M.

If issued, this permit will be subject to all applicable laws and regulations. Protests against the permit must be filed with the Idaho Department of Lands, 92 South Capitol Blvd., Boise, Idaho 83705 on or before 10/1/88.

C. STEPHENSON
DIRECTOR

9760

July 18, 1990

CITY OF GARDEN CITY
201 E. 50TH ST.
GARDEN CITY, ID 83714

RE: PERMIT NO. 63-09134

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED
JUL 24 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 25, 1990

RE: Permit Nos. 63-9134 & 63-9136

Richard D. Cummings
City of Garden City
201 E. 50th
Garden City, ID 83714-1499

Dear Mr. Cummings:

I am in receipt of your letter concerning Garden City's two municipal wells. Your letter states that both wells are capable of producing 3.00 cfs and your intent is to upgrade the sites as necessary to meet water needs.

Mr. Carlyle Briggs, P.E. (Garden City's Engineer) provided performance data on the pumps and motors used under Permit Nos. 63-9134 and 63-9136. The maximum capacities of the systems are 1.69 cfs (Permit 63-9134) and 1.74 cfs (Permit 63-9136). At the time of the examination in 1986, the discharge of the system was measured at 1.06 cfs (Permit 63-9134) and 0.51 cfs (Permit 63-9136). Adjustments to the flows were made to account for possible measurement error. I believe the rates listed in the pre-license correspondence are representative of the capacities of the two systems.

I am sure that the City will add municipal capacity as population growth occurs. A new water right will need to be filed when the City replaces the existing pumps and motors with larger ones. The licenses to be issued on the permits identified above reflect the development that occurred prior to the time of the examination conducted in 1986.

I cannot grant your request that the permits remain at 3.00 cfs as there is no statutory authority that allows this. All permits are eventually licensed and a license is based upon the amount of water actually diverted and put to beneficial use. Unless you can provide information that shows an error in the rates of

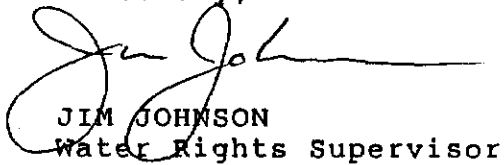
MICROFILMED

JUL 24 1990

Page 2

diversion, licenses will be issued as set forth in my June 14, 1990 correspondence. I will not take any further action, however, until July 15, 1990 to give you an opportunity to respond. Please feel free to call me or set up an appointment.

Sincerely,

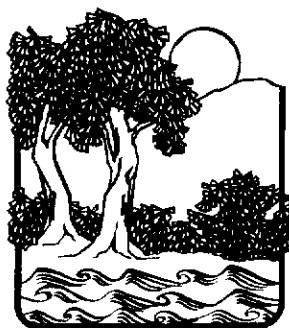


JIM JOHNSON
Water Rights Supervisor

JJ:sc

MICROFILMED

JUL 24 1990



city of Garden City

"Nestled by the River"

June 18, 1990

Jim Johnson
Dept. of Water Resources
State House Mail
Boise, Idaho 83720

RECEIVED
JUN 21 1990

Department of Water Resources

RE: Permit No. 63-09134
63-09136

Dear Mr. Johnson:

I can only apologize for the previous administrations lack of promptness in submitting examination fees.

The advancing of the priority date is justified and acceptable. My concern is the rate of diversion.

Both permits are wells that are capable of producing over 3.00 C.F.S. and that is why Garden City requested the rate of diversion or quantity appropriated to be set at 3.00 C.F.S. As Garden City continues to grow, it is our intent to upgrade these well sites to produce the necessary water needed.

Once again, I would like to request that the rate of diversion for these two permits remain at 3.00 C.F.S.

Sincerely,

Richard D. Cummings
Public Works Director

RDC:pjt

Enclosures

MICROFILMED

JUL 24 1990

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-09134
Date Received: 8/14/1989
Receipt No: W004439
Received By: DE JON

COPY

FOR YOUR FILES
DO NOT RETURN

AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CITY OF GARDEN CITY 208-377-1831
Address: 201 E. 50TH ST.
GARDEN CITY, ID 83714

2. Date of Priority: APR 10, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
04N	01E	24	NE SE		ADA

5. Description of diverting works:
50 HP SUBMERSIBLE IN 328' DEEP WELL 6" DISCHARGE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	3.000		

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1600 CONNECTIONS PLUS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	02E	5			MUNI	
04N	01E	23			MUNI	
		24			MUNI	
		25			MUNI	

A63-09134

Page MICROFILMED

Date: 05/08/90

JUL 24 1990

June 14, 1990

CITY OF GARDEN CITY
201 E. 50TH ST.
GARDEN CITY, ID 83714

RE: PERMIT NO. 63-09134

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

Also enclosed is an order advancing the date of priority of this right due to late submittal of the examination fee.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

JUL 24 1990

BENEFICIAL USE FIELD REPORT REVIEW

TO: FILE 63-09134

FROM: ROXANNE MC CARTHY

RE: PRIORITY ADVANCE REVIEW

DATE: 5-JAN-1990

This review memo is prepared to show the process for determining what elements were involved in advancement of the priority.

	<u>DATE</u>	<u>JULIAN</u>
PERMIT		
Permit priority Date:	APRIL 10 1978	100
EXAM FEE NOTICE		
Exam Fee Notice Date:	APRIL 30 1986	120
Exam Fee/Info Sheet Received Date:	SEPTEMBER 15 1986	258
Exam Fee or Info Due Date:	JUNE 29 1986	180
Days Late:		78 DAY(S)
NEW PRIORITY DATE		
Original Priority Date:	APRIL 10 1978	100
Total Days Late:		78 DAY(S)
New Priority Date:	JUNE 27 1978	178

MICROFILMED

JUL 24 1990

RECEIVED

MAR 31 1987

Staff Analysis Sheet
for
Beneficial Use Field Report

Department of Water Resources

63-9134
Permit No.

Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
☒ Copy of Permit
☒ Copies of any Amendments
☐ Computer Data Proof Report
☒ Copy of U.S.G.S. Quad *none*
☒ *check of Govt. Lots*
Check of P/D index BD 9/25/86 (Initials, date)

Overlap? ☐ yes ☒ no ☐ If yes, copy attached?

Check of P/U index BD 9/25/86 (Initials, date)

Overlap? ☐ yes ☒ no ☐ If yes, copy attached?

Aerial Photo

Required? ☐ yes ☒ no ☐ If yes, copy attached?

Scheduling Letter sent? No in office *app't.* (Initials, date)

☐ Appointment made and telephone conversation memo attached?

PD NESE Sec 24
4W 1E

*no others
for municipal
use.*

After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
☒ Photographs of Point of Diversion and Place of Use
☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

Review and Processing

Exam Completed Brad E. Lingee (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent _____ (Initial and date)

Exam Reviewed by Manager of Regional Office DR 12/1/87 (Initial and date)

Exam Date Entered in Computer 3/17/87 (Initial and date)

Exam sent to State Office 3/17/87 (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original Refiled in White File 8-424/87 (Initial and date)

KEYED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAR 31 1987

Department of Water Resources

A. GENERAL INFORMATION

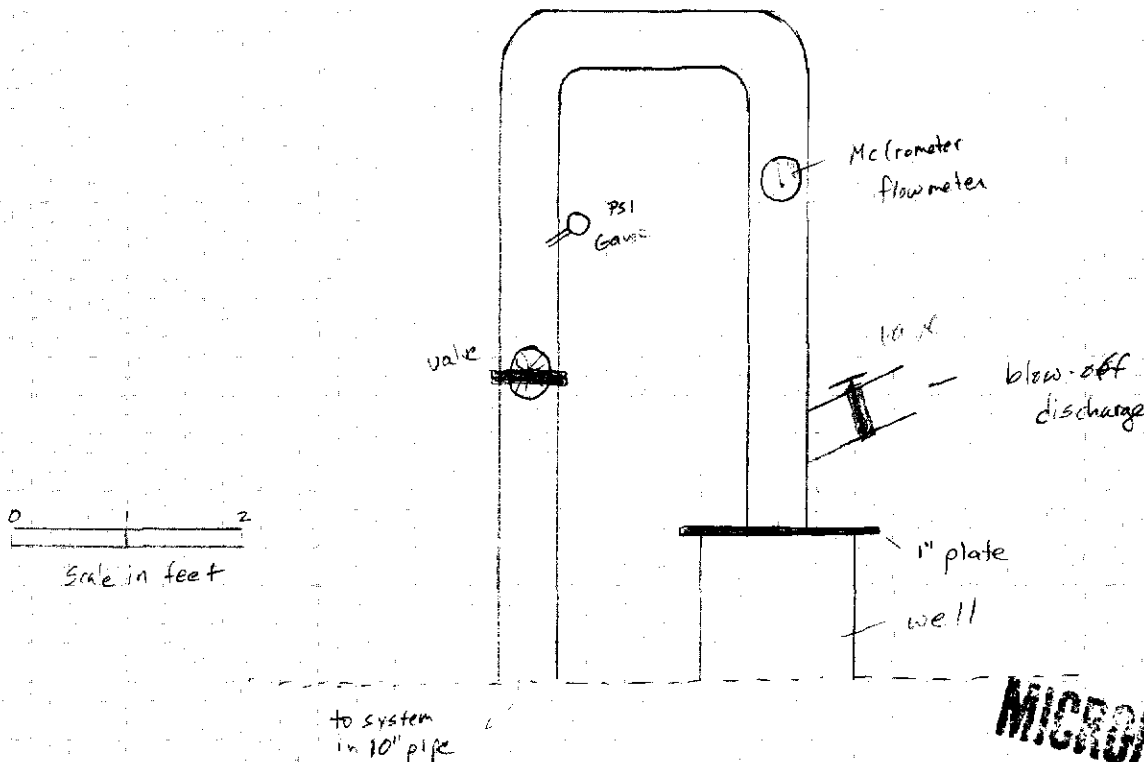
1. Owner: City of Garden City *Attn: Carlyle Briggs* Permit No. 63-9134
Phone No. 377-1831
Current Address: City Hall, 201 E. 50th St., Garden City, ID 83714
2. Accompanied by: Carlyle Briggs EXAM. DATE: 9/25/86
Address: 619 Grove St., Boise ID 83702 Phone No. 343-3381
Relationship to Permit Holder: City Engineer
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: none for municipal use
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: as above
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).
☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

MICROFILMED

JUL 24 1990

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

Mcrometer flow meter ; read 480 gpm during exam, but system up to pressure (70 psi). Based on pump information, maximum instantaneous discharge is 760 GPM (1.69 cfs). 1.43 Dave Tutthill memo (attached) Allow ~~1.50~~ cfs per exam fee information sheet, (670 gpm)

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes: *Theoretical : assume 40 psi, 100' lift, 80% efficient*
$$\frac{HP \times 8.8 \times \text{eff.}}{\text{Lift} + (PSI \times 2.3)} = \frac{50 \times 8.8 \times .80}{100 + (40 \times 2.3)} = \frac{352}{192} = 1.83 \text{ cfs.}$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

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:

N/A

MICROFILMED
JUL 24 1990

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Note: Only one point of diversion present (contrary to permit).

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Municipal	1/1	12/31	~~1.50~~ 1.43	
Totals:			~~1.50~~ 1.43	

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

J. AUTHENTICATION

Field Examiner's Name BRAD E. DINGEE

Signature Brad E. Dingee

Certification Date _____

Field Report Preparation Date 9/25/86

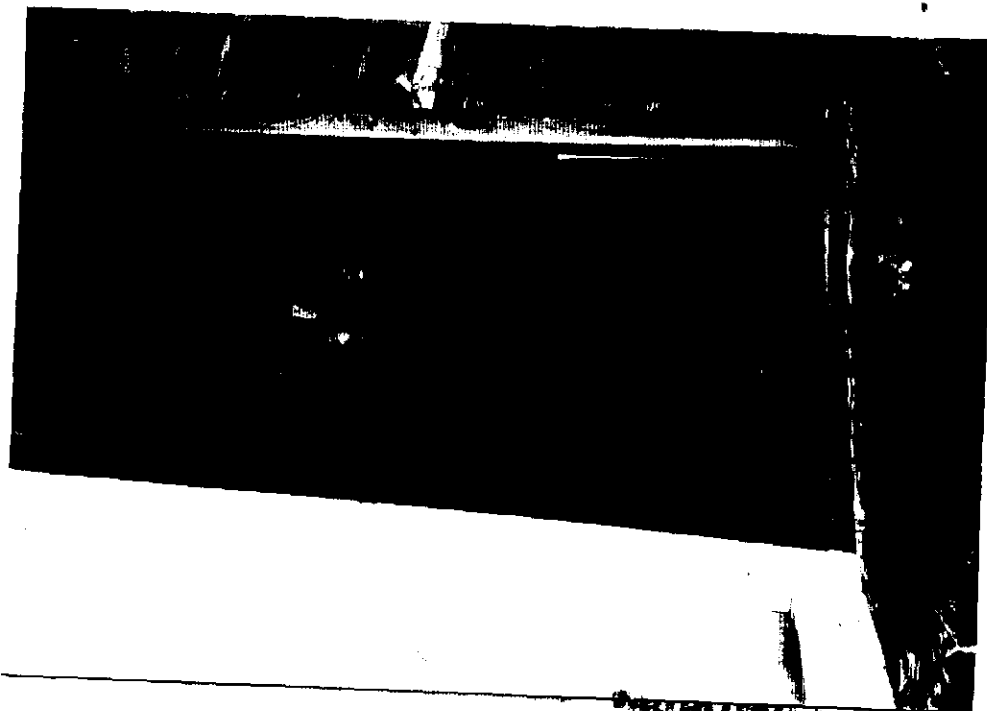
DWR 12/1/86

CONSULTANT SEAL

- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

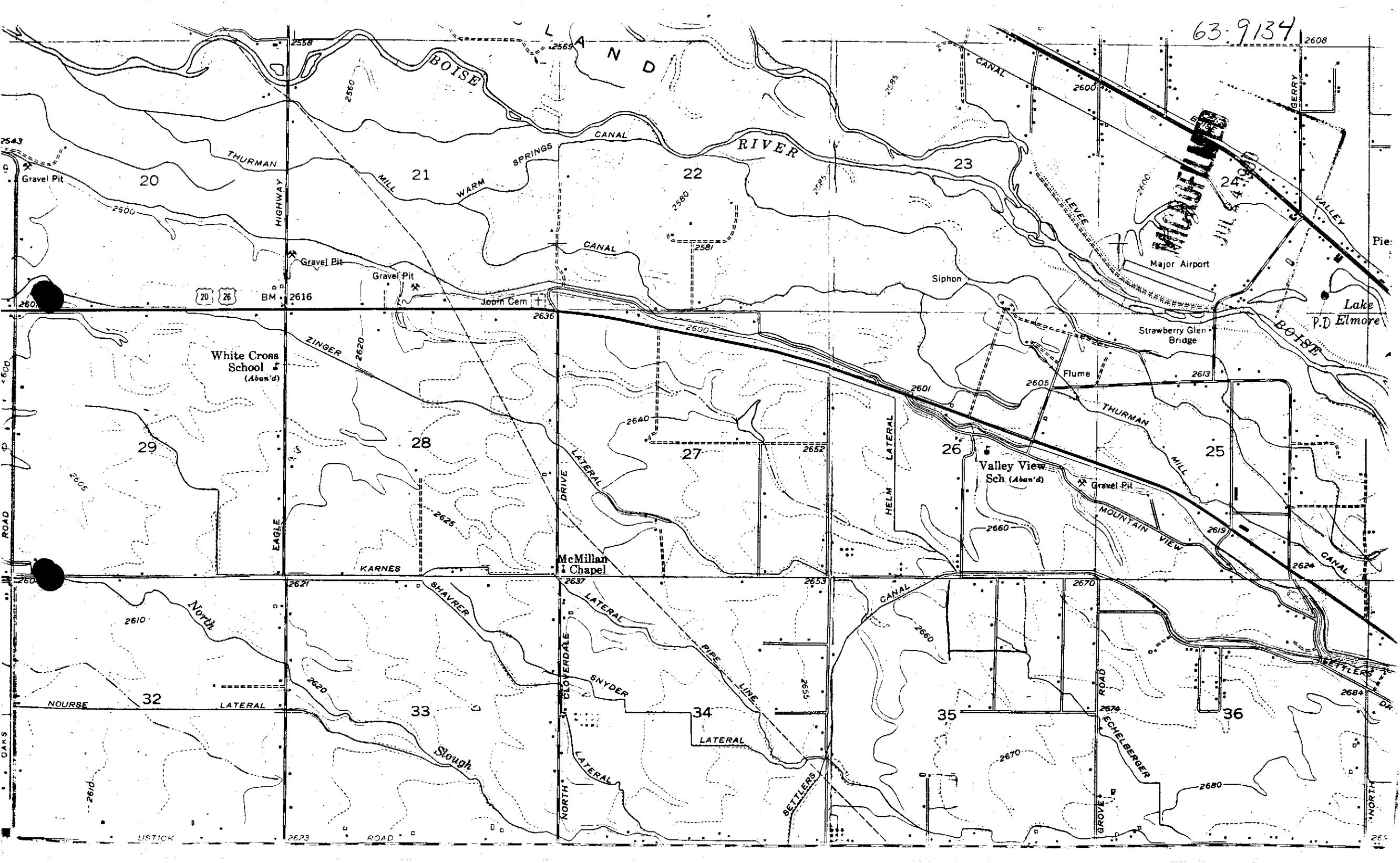
MICROFILMED

10 24 87



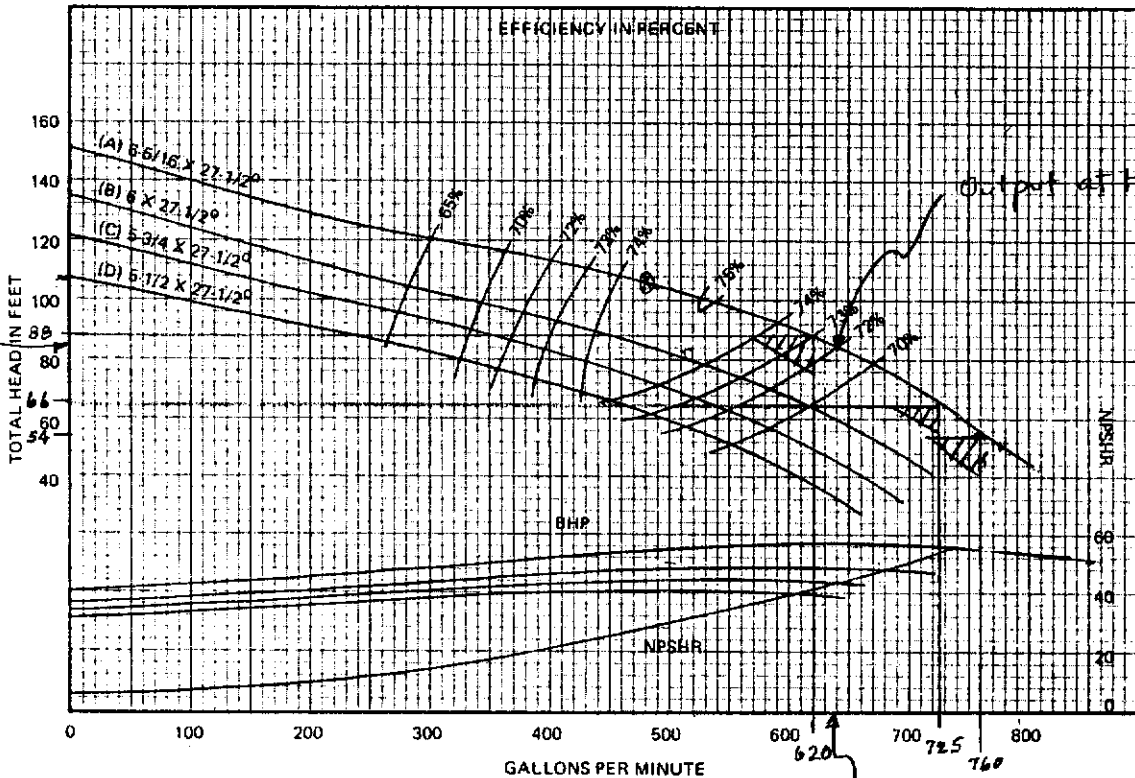
PHOTOGRAPHED

JUL 24 1990



8MC 3450 RPM

Furnished by Gary Mayne.
He installed the pump.



NUMBER OF BOWLS	CHANGE EFFICIENCY AS FOLLOWS
1	-4
2	-2
3	-1

Change in efficiency may affect both head and horsepower

Bowl Dia.	7-7/8 in.
Bowl No.	3591, C.I., ENAM.
Impeller No.	3589, BRONZE
Eye Area	6.5 Sq. In.
Imp. Type	CLOSED K = 3.93

STAGE PERFORMANCE

Curve No.	8M-200
R.P.M.	3450
Bowl	8MC

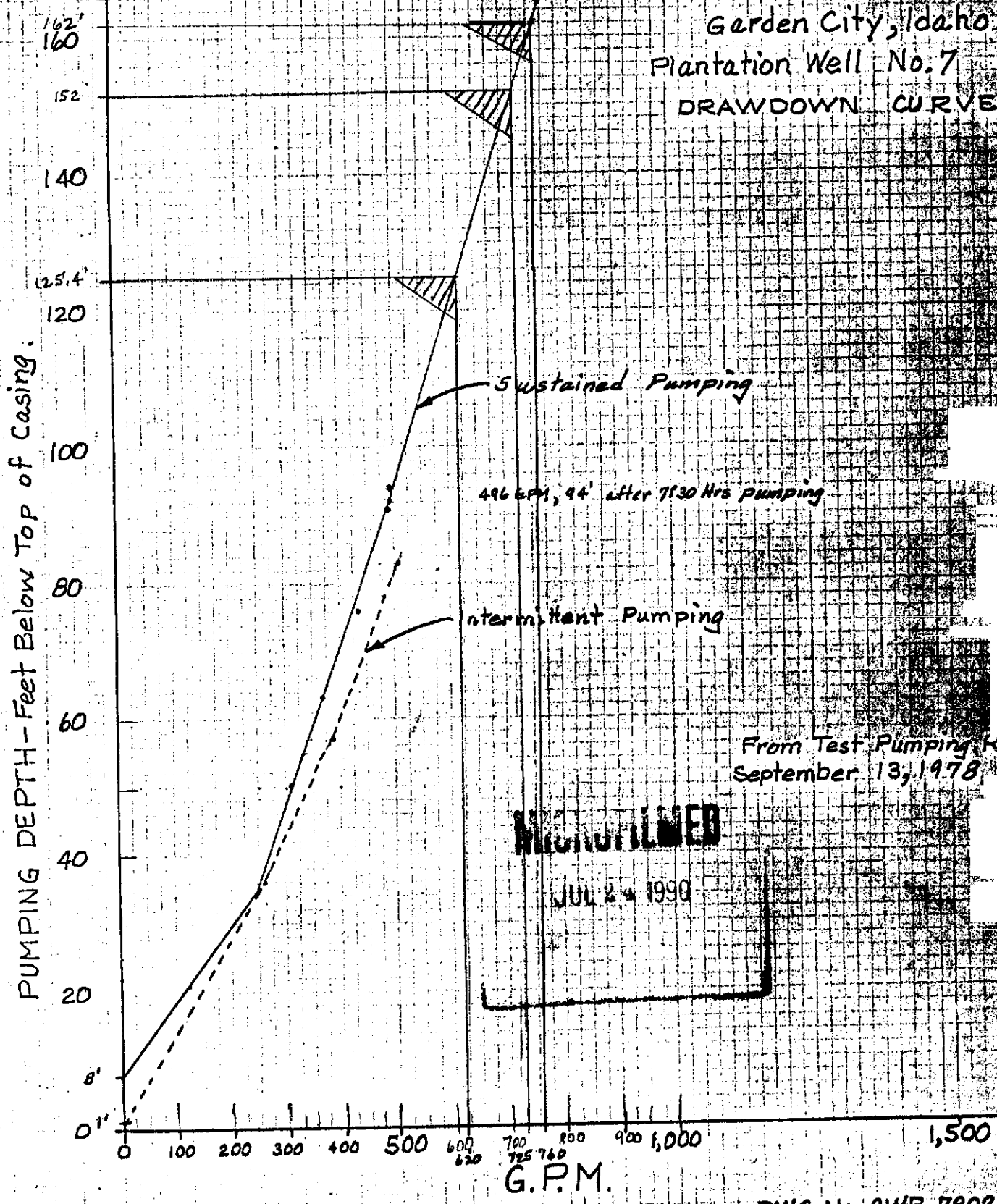
Performance based on pumping clear, fresh water at a temperature not over 85°F., and free of gas, air or abrasives, and with bowls properly adjusted and submerged.

3-Stage Pump (A-Impeller) 50 HP Electric Motor, 176' setting
Submersible Pump.

$$\begin{aligned}
 162' \text{ Lift} + 0 \text{ PSI} &= 162' \div 3 \text{ stages} = 54.0' / \text{stage} = 760 \text{ GPM} \\
 152' \text{ Lift} + 20 \text{ PSI} &= 198' \div 3 \text{ stages} = 66.0' / \text{stage} = 725 \text{ GPM} \\
 125.4' \text{ Lift} + 60 \text{ PSI} &= 264' \div 3 \text{ stages} = 88.0' / \text{stage} = 620 \text{ GPM}
 \end{aligned}$$

MICROFILMED

JUL 24 1990



CONVERSATION MEMORANDUM

DATE 10/23/87

FILE 63-9134

NAME OF PARTY City of Garden City

63-9136

EMPLOYEE Brad Dingee

RE: Capacity of Garden City Wells

Per conversation with Carlyle W. Briggs, P.E. (City of Garden City Engineer), The wells for the above-listed permits are capable of producing the following amounts of water:

63-9134: 760 GPM capacity (1.69 cfs)
per exam fee: 1.50 cfs
(aka: Plantation Well No. 7)

63-9136: 780 GPM capacity (1.74 cfs)
per exam fee: 1.25 cfs
(aka: Marigold Well No. 6)

I have attached pump curves as well as pump test drawdown curves for each well.

MICROFILMED

JUL 24 1990

Evaluation of Pump Curve Data In View of Measured Well Output Data

Given: - Pump Curve

- Measurement of 480 gpm @ 70 psi

To Find: Recommended Rate of Flow for Licensing

Solution:

1. Plot flow rate of 480 gpm on pump curve - read total head value of 106' (per stage). Note that system is 3 staged.
2. Pressure output of 70 psi means head distribution is as follows:

$$\text{Head}_{\text{Total}} = \text{Head}_{\text{pressure}} + \text{Head}_{\text{lift}} + \text{Head}_{\text{friction}}$$

$$H_T = H_P + H_L + H_f$$

$$H_T = 106' / \text{stage} \times 3 \text{ stages} = 318'$$

$$H_P = 70 \text{ psi} \times 2.31 \frac{\text{ft}}{\text{psi}} = 162'$$

$$(H_L + H_f) = H_T - H_P$$

$$(H_L + H_f) = 318' - 162' = 156'$$

MICROFILMED

JUL 24 1990

3. During the Summer of 1987 the system pressure dropped at one point to 42 psi. This is considered to be the minimum acceptable pressure. (Per telecon with Bob Unger, Garden City Public Works Director 10/29/87). At this pressure, based on the data above, the output from this well would have been as follows:

$$(H_L + H_f) = 156' \quad (\text{no significant change anticipated, although } H_f \text{ will decrease somewhat, increasing pump output})$$

Eval of Pump Output, cont.

3. (cont)

$$H_p = 2.31 \text{ ft/psi} \times 42 \text{ psi} = 97'$$

$$H_T = H_p + H_L + H_f = 156' + 97' = 253'$$

$$\text{@ 3 stages, } H/\text{stage} = 253/3 = 84'$$

4. From Pump curve at $H = 84$, system output = 640 gpm
= 1.43 cfs

5. Note that the Garden City System contains no storage* — all pumps divert directly into the main delivery system. Thus, flow productions at pressures lower than 42 psi are not anticipated. Thus, 1.43 cfs is the likely maximum production from this well. Recommend that this rate be used for licensing.

TDR

MICROFILMED

JUL 24 1990

* With the exception of small on-site pressure regulation tanks at some sites.

INTER-DEPARTMENT MEMO — 1

FROM

Ray thru Jim Jhr

TO

Brad - Western

SUBJECT

Exams 63-9134 & 63-9136

DATE 8/25/87

RECEIVED

AUG 25 1987

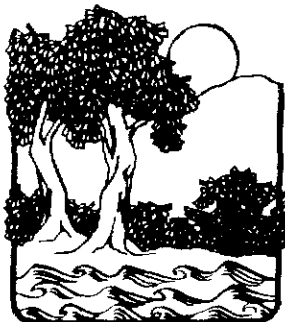
Department of Water Control

Brad - We've discussed these exams with Gary and decided that we need further documentation regarding the amount of water to be licensed. The documentation could be in the form of a statement ^{from} ~~of~~ a city engineer or a copy of "flow used" records ~~from~~ the city. We are reluctant to issue a

SIGNATURE

license for an amount of water based on pump rating curves because the system may not be up to its rating if it was not designed as the manufacturer's specified —

Also - check out the difference between the amount recommended & theoretical calculation on Exam 63-9136 — there's a real big discrepancy between the 2 amounts ...
Kay



city of Garden City

September 12, 1986

"Nestled by the River"

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office
Idaho Dept. of Water Resources
Statehouse 450 W. State Street
Boise, Idaho 83720
Tel. 334-2190

Dear Mr. Tuthill:

Subject: Garden City, Idaho Wells
Permit No. 63-9136 (Marigold St. Well No. 6)
Permit No. 63-9134 (Plantation Well No. 7)

Enclosed are two Examination Fee Forms and two checks from Garden City, each for \$125.00.

We received notice on February 10, 1984 that we would be contacted by someone from your department to make a field examination for issuance of license. We were thereafter contacted by telephone by someone, who said they were very busy at that time and would contact us again when they had time to complete the examination. We heard nothing further but presumed that the process was started by someone in your department.

I did not receive the notice that your letter of September 4, 1986 said had been sent out earlier in the year, however, I have from time to time received a copy of other correspondence, as requested on our original application for permit. Would you please check your return receipt record and inform me when the requested notice was sent, and who signed for it. Perhaps that will help us to locate the missing documents.

These wells have been operating ever since shortly after they were permitted and drilled, and are an essential part of Garden City's municipal water supply. We want to do promptly whatever is required to perfect our water rights and license.

Very truly yours,


Carlyle W. Briggs, P.E.
Garden City Engineer

cc: Mayor Jay Davis
G. City Clerk
Rick Cummings - Main't.

MICROFILMED

JUL 24 1990

KEYPUNCH

O.K. B.D.

4/8
RECEIVED
SEP 15 1986

Department of Water Resources
Western Regional Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received \$ 125.00
Date 9-15-86
Receipt # 40582
Receipt by BO
Sent to S.O. 9-23-86

\$125.00 Fee

1. Permit No. 63-9134 (Garden City Plantation Well No. 7)

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: City of Garden City, Idaho

3. Post Office Address: 201 E. 50th Street, Garden City, Idaho 83714

Telephone No. (208)377-1831

4. Source of Water: Underground well

5. Extent of Use:

Domestic (No. of households) Stockwater (No. and type of stock)

Irrigation (acres) Other/Remark Municipal

6. Total rate &/or volume for which proof is submitted (675 GPM) 1.50 cfs acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

March 8, 1979

8. Person to contact to accompany the department representative during the field examination:

Carlyle W. Briggs, P.E., Garden City Engineer

B. & A. Engineers, INC. (Name)

619 Grove Street

Boise, Idaho 83702

(Address)

MICROFILMED

JUL 24 1986

(208)343-3381

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Sept. 12, 1986

Date

Carlyle W. Briggs Signature of Permit Holder (and title, if appropriate)

Carlyle W. Briggs, P.E., Garden City Engineer



State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

63-9134
CITY OF GARDEN CITY, IDAHO
201 E. 50TH ST.
GARDEN CITY, ID 83704

September 4, 1986

EXAMINATION FEE REMINDER

Dear Permit Holder:

Earlier this year you were mailed a certified letter by our state office, which described a new law related to your water right permit. The water right permit to which this law applies is identified by the number at the top of the mailing label above. The purpose of this letter is to act as a reminder of the new law and to warn you that your permit is now losing priority daily.

As described in the certified letter, House Bill 671 enacted by the 1986 Idaho Legislature requires payment of a fee before this Department can conduct the field examination needed to issue a license confirming use of water under the permit. As an alternative to submitting the fee, the Department will accept a field examination report completed by a certified water right examiner from the private sector. The certified letter described the procedure for selecting the latter alternative, whereby you initially notify us regarding which water right examiner you have selected, and provide a statement from the examiner as verification.

The date of priority of your water right permit is now being delayed one day for each day the response is late. Also, if the fee or completed field examination report are not submitted within a year from the sixty-first day after the certified letter was mailed, the permit may be lapsed and rendered invalid. The fee, or notice that a private field examination will be conducted, should be submitted as soon as possible if you wish to maintain your permit in a valid status.

Enclosed please find an Examination Fee Information Sheet, with the License Examination Fee Schedule printed on the back. This sheet should be submitted if either the fee payment option or the private examination option is selected. If you have questions or desire assistance in this matter, please feel free to contact this office.

Sincerely,

David R. Tuthill Jr.

David R. Tuthill, Jr. P.E.
Manager, Western Regional Office

JUL 24 1990

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

63-9134
CITY OF GARDEN CITY, IDAHO
201 E. 50TH ST.
GARDEN CITY, ID 83704

Mailing address:
Storehouse
Boise, Idaho 83720

138899

April 30, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

MICROFILMED
JUL 24 1990

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

RECEIVED

JUL 24 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

MAY 5, 1984

CITY OF GARDEN CITY
201 E. 50TH ST.
GARDEN CITY ID 83704

RE: Permit No. 63-9134

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Enclosed please find a copy of an order involving your permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 334-2190 or in person in the third floor State Towers Building, 450 West State Street, Boise.

Sincerely,
s/Judy Pense
Secretary

Enclosure

RECORDED

JUL 24 1984

April 19, 1984

Carlyle W. Briggs
Garden City Engineer
201 E. 50th
Garden City, ID 83704

Dear Mr. Briggs:

Re: Permit No. 63-9134 -- City of Garden City

This office acknowledges receipt of the statement of beneficial use postcard submitted on the above-referenced permit. The permit has been reinstated with advance in priority by the enclosed order.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will contact you to schedule the exam at a convenient time.

If you have any questions regarding the field examination, please contact our Western Regional office at 334-2190.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

RECEIVED
APR 21 1984

CALCULATION OF NEW PRIORITY DATE

FROM: RITA FLECK

TO: FILE # 63-9134

DATE: 4-12-1984

Date proof received

Proof due

Number of day proof late

Priority date

New priority date

_____	_____
-	_____
_____	_____
+	_____
_____	_____

Remarks:

*No advance in priority due to
incorrect notification.*

RECEIVED

B. & A. Engineers, Inc.

CONSULTING ENGINEERS AND SURVEYORS

619 Grove Street
Boise, Idaho 83702

TELEPHONE — (208) 343-3381 • 342-5792

February 16, 1984

RECEIVED

FEB 16 1984

Department of Water Resources

L. Glen Saxton, Chief,
Operations Bureau
Idaho Dept. of Water Resources
Statehouse, 450 W. State Street
Boise, Idaho 83720

Dear Mr. Saxton:

Subject: Garden City (Glenbrier) Plantation Well No. 7- Permit 63-9134

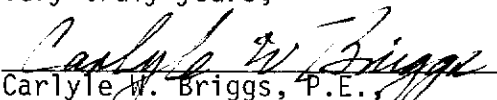
Enclosed herewith is a duplicate original of the subject permit assignment from Phillips Enterprises, Inc., to the City of Garden City, on August 30, 1978.

The subject well was constructed and completed in 1978 and has been providing water to the Garden City Municipal Water System since March 8, 1979.

It is my understanding that the Permit may now be reinstated, upon submittal of the enclosed assignment. I can execute the card on beneficial use, if it is needed at this time.

Please advise.

Very truly yours,


Carlyle W. Briggs, P.E.
Garden City Engineer

encl:

cc: G. City Clerk- File
Director of Public Works



INTER-DEPARTMENT MEMO — 1

DATE 2-21-84

FROM

Ylen

TO

Rita

SUBJECT

- We rec'd proof from Carlyle Briggs
- Let's reinstate permit on basis of inadequate proof due notice
- ? on meas device requirement - Let's discuss.

[Signature]

SIGNATURE

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 63-9134.

Name(s) of Permit Holder: City of Garden City, Idaho

Post Office Address: 201 E. 50th St., Garden City, Id.

Tel. No. _____

Source of Water:

Groundwater

Extent of Use:

- ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☐ Irrigation (acres)
☒ Other Municipal

Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

Feb. 16, 1984

Date

CITY OF GARDEN CITY
Carlyle W. Briggs
Signature of Permit Holder
Garden City Engineer

I certify that file No. 63-9134 has been reviewed and is ready to be MICROFILMED and DESTROYED.

File should not be

destroyed before 12-28-83
Date

Kay Walker
Signature

12-28/83
Date

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

PHILLIPS ENTERPRISES INC.
4774 CHINDEN BLVD.
BOISE, ID 83704

LAPSE NOTICE

MAY 05, 1983

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 63-9134 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED FEBRUARY 28, 1983.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

CERTIFICATION OF MAILING
I hereby certify that on 5/9/83
~~a copy~~/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.
Charles Curtis

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138288

PHILLIPS ENTERPRISES INC.
4774 CHINDEN BLVD.
BOISE, ID 83704

PROOF DUE NOTICE

FEBRUARY 28, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 63-9134 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MAY 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

December 28, 1982

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocations Section

DRT:jg

Enclosures

NORTHERN REGION OFFICE
Route #5, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190

MICROFILMED

December 15, 1978

Phillips Enterprises, Inc.
4774 Chinden Blvd.
Boise, ID 83704

Gentlemen:

Re: Permit No. 63-9134

Enclosed is a copy of the approved application for amendment submitted
on Permit No. 63-9134.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:rf

Enc: 1

RECEIVED

CONTRACT

THIS AGREEMENT entered into this 28th day of July, 1978, by and between GARY LAND DEVELOPMENT CO., INC., by and through its president, David W. Watkins, and its secretary, Michael Balbas, hereinafter known as GARY, and PHILLIPS ENTERPRISES, INC., by and through its president, Richard M. Phillips, and its secretary, Jerry D. Phillips, hereinafter referred to as PHILLIPS, and PLANTATION DEVELOPMENT, INC., by and through its president, William A. Rundell, and its secretary, Norman J. Zuckerman, hereinafter referred to as PDI:

WITNESSETH:

WHEREAS, GARY is the owner of that certain piece of real property situate in Ada County, Idaho more fully described on Exhibit A, attached hereto, and by this reference made a part hereof as though fully set forth herein; and

WHEREAS, PHILLIPS is the owner of that certain piece of real property more fully described on Exhibit B, attached hereto, and by this reference made a part hereof as though fully set forth herein; and

WHEREAS, PDI has purchased from Jenal, Inc., an Idaho corporation, that certain piece of real property situate in Ada County, Idaho more fully described on Exhibit C, attached hereto, and by this reference made a part hereof as though fully set forth herein; and

WHEREAS, the parties hereto have determined that it is in their mutual best interest to collaborate in the construction of a well on that parcel of property described on Exhibit C, attached hereto, and of a delivery system for the water obtained from said well to the properties described on Exhibit A and Exhibit B, attached hereto;

NOW, THEREFORE, for and in consideration of the covenants and conditions contained herein, the parties hereto agree as follows:

1. The parties hereto do hereby join in collaboration for the purpose of constructing a well and water system on the property described on Exhibit C, attached hereto, for the purpose of delivering water to the southeastern boundary of the property described on Exhibit A,

attached hereto, and the southeastern boundary of the property described on Exhibit B, attached hereto.

2. Within ten (10) days of the execution of this agreement, GARY and PHILLIPS agree to place the following sums in a checking account with the Idaho First National Bank, Head Office:

GARY - Seventeen Thousand Six Hundred Dollars (\$17,600.00) and

PHILLIPS - Twenty-two Thousand Fifty Dollars (\$22,050.00),

which figures represent a pre-pay water connection fee, paid by said parties,

TO-WIT:

GARY shall pay Four Hundred Dollars (\$400.00) for each of forty-four (44) connections, and

PHILLIPS shall pay Two Hundred Twenty-five Dollars (\$225.00)

for each of ninety-eight (98) connections.

It is agreed by and between the parties hereto that checks drawn on said checking account with the Idaho First National Bank, Head Office, shall be invalid unless the signatures of Richard Phillips, David Watkins and Roy Johnson all appear thereon. Said sums shall be used to defray the expenses incurred in the construction of said well and water system.

3. Failure of GARY or PHILLIPS to deliver said sums to the Idaho First National Bank within ten (10) days of the execution of this agreement shall void this contract without prejudice to any party.

4. PDI, as additional consideration for this agreement, shall, through its engineer, Roy Johnson, manage the construction of said well and water system, and does hereby covenant as follows:

(a) PDI shall be responsible for obtaining all permits and licenses required for the successful completion of the project and for granting the appropriate easements required for said project on land owned by PDI.

(b) PDI agrees that the water well and water system shall be completed and water delivered to the southeastern boundary of the

property described on Exhibit A, attached hereto, and to the southeastern boundary of the property described on Exhibit B, attached hereto.

(c) PDI further agrees that the water obtained from said well shall be delivered to said property (Exhibits A and B herein) no later than September 1, 1978. Said water delivery system shall utilize eight inch pipe throughout and shall conform to all specifications required for such projects by Garden City.

9.D.P. MC13
W.H.
~~5. The parties hereto understand and agree that the successful completion of the project contemplated herein depends upon the obtaining of proper easements across adjacent properties for the purpose of installing the water system. Failure by one or more of the parties hereto to obtain the appropriate easements shall be deemed a breach of the terms of this agreement and this contract shall terminate without prejudice to the parties hereto, except that any expenses incurred prior to the occurrence of said breach shall be covered out of the checking account with the Idaho First National Bank, Head Office.~~

6. It is contemplated by and between the parties hereto that upon the successful completion of the digging of the well and the creation of the water system, that said well and water system shall be dedicated to Garden City, Ada County, Idaho. In the event that additional connection fees are obtained by Garden City for connection by other parties to the water system created hereby, said fees so collected by Garden City and due and owing the parties hereto, shall be paid first to PDI, up to the amount that PDI has expended on the project as of that date.

7. The total financial contribution required of PHILLIPS and GARY is as listed, and any additional expense to deliver water to the properties described on Exhibits A and B, attached hereto, shall be borne by PDI.

IN WITNESS WHEREOF, this agreement has been executed as of the day
and year first above written.

GARY LANE DEVELOPMENT CO.

ATTEST:

Michael Balbas
Michael Balbas, Secretary

by:

David W. Watkins
David W. Watkins, President

PHILLIPS ENTERPRISES, INC.

ATTEST:

Jerry D. Phillips
Jerry D. Phillips, Secretary

by:

Richard M. Phillips
Richard M. Phillips, President

PLANTATION DEVELOPMENT, INC.

ATTEST:

Norman J. Zuckerman
Norman J. Zuckerman, Secretary

by:

William A. Rundell
William A. Rundell, President

ss

On this 31 day of July, 1978, before me, a notary public in and for said State, personally appeared DAVID W. WATKINS and MICHAEL BALBAS, known to me to be the president and secretary, respectively, of the corporation known as GARY LANE DEVELOPMENT CO., and acknowledged to me that such corporation executed the same.

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

Mary E. Hill
Notary Public for Idaho
Residing in Boise

STATE OF IDAHO)
) ss
County of Ada)

On this 28th day of July, 1978, before me, a notary public in and for said State, personally appeared RICHARD M. PHILLIPS and JERRY D. PHILLIPS, known to me to be the president and secretary, respectively, of the corporation known as PHILLIPS ENTERPRISES, INC., and acknowledged to me that such corporation executed the same.

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

Diane F. Roberts
Notary Public for Idaho
Residing in Boise

STATE OF IDAHO)
) ss
County of Ada)

On this 3rd day of August, 1978, before me, a notary public in and for said State, personally appeared WILLIAM A. RUNDELL and NORMAN J. PHILLIPS, known to me to be the president and the secretary, respectively, of the corporation known as PLANTATION DEVELOPMENT, INC., and acknowledged to me that such corporation executed this instrument.

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

Debbie S. Andersen
Notary Public for Idaho
Residing in Boise

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 63-913.4

N/A Source
✓ Point of Diversion
✓ County
✓ Quantity of Water and Period of Use
N/A Description of Diverting Works
N/A Time required for B/U of water
✓ Place of Use or Acres Irrigated
✓ Map
✓ Signature
✓ Fee

(1) CLS 8/19/78

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) CLS 8/19/78

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels: .

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) _____

Affidavit of Publication received(date) 9-6-78

(12) _____

Final date for protests 9-11-78
Protests received: yes _____ no ✓

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

✓ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District W

By [Signature] Date 12/12/78



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

August 21, 1978

Phillips Enterprises, Inc.
4774 Chinden Blvd.
Boise, ID 83704

Gentlemen:

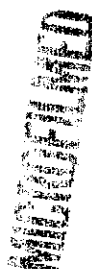
Enclosed is your Receipt No. 12403 in the amount of \$ 20.00
for application for amendment of permit which was received in
this office on 8-16-78.

Sincerely,

RITA FLECK
Secretary

RF

Enclosure





State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

May 24, 1978

Re: Permit No. 63-9134

Phillips Enterprises
4774 Chinden Blvd.
Boise, ID 83704

Gentlemen:

Your approved copy of Application for Permit No. 63-9134 is enclosed and we direct your attention to the conditions of approval on the fourth page.

Please note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. Enclosed is a letter describing the different types of measuring devices accepted by this Department.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit.

-2-

However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

August 17, 1978

The Idaho Statesman
Box 40
Boise, ID 83707

RE: Application For Amendment Of Permit No. 63-9134
Phillips Enterprises, Inc.

Gentlemen:

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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due after allowing all just credits and that no part of the same has been paid."

(Signature of Claimant)

Please send the affidavit of publication and publication billing to this office before September 11, 1978.

Sincerely,

RITA FLECK
Secretary

ST/

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 63-9134 in the name of Phillips Enterprises, Inc. was issued for the diversion of 3.0 cubic feet per second of water from groundwater with the point of diversion within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 24 T 4N-R 1E,B.M. to be used from Jan 1 to Dec 31 for Municipal purposes within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 24 T 4N-R 1E,B.M.

The permit holder now proposes to amend Permit No. 63-9134 by changing the point of diversion to SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 24 T 4N-R 1E,B.M.

Any protests to this proposed amending of the permit must be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83705 on or before September 11, 1978.

C. STEPHEN ALLRED

Director

Published in The Idaho Statesman on August 24, 1978 and August 31, 1978.

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 63-9134

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) R.W.H. 4-10-78

In form to receipt

(2) sf 4-17-78

Send Copies to:

☒ Idaho State Health Department
☐ Idaho Fish and Game Department
☐ Bureau of Land Management

(3) _____

☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant
☐ Request Dam Safety Information

(4) R.W.H. 4-10-78

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no ☒

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use N.A.

(10) _____

Comments: _____

(11) sf OK

Affidavit of Publication received(date) 5-2-78

(12) _____

Final date for protests 5-8-78
Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes ☒ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

4/10/78 Proposed Priority

Reason for Reduction _____

☒ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District W

By [Signature] Date 5/8/78

I.P. G.W. letter

RECEIVED

MAY 9 1978

Department of Water Resources



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

April 14, 1978

Re: Notice of Claim to a Water Right No. 63-4605 -- George &/or Dolores Williams
63-4606 -- Hoot Nanney Farms, Inc.
Notice of Application for Water Right No. 63-9134 -- Phillips Enterprises
63-9136 -- City of Garden City

Idaho Statesman
Box 40
Boise, ID 83707

Gentlemen:

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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due after allowing all just credits and that no part of the same has been paid."

(Signature of Claimant)

Please send the affidavit of publication and publication billing to this office before May 8, 1978.

Sincerely,

RITA FLECK
Secretary

Bill submitted
5-2-78
yf

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that PHILLIPS ENTERPRISES, INC.
4774 Chinden Blvd., Boise, Idaho
has on April 10, 1978 submitted Application No. 63-9134
for a permit to appropriate 3.0 cubic feet per second ~~none feet~~
~~per annum~~ of water from a groundwater source
by means of well and pump
within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 24 T4N-R1E B.M., Ada County

to be used from Jan 1 to Dec 31
for municipal use

within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 24 T4N-R1E B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83705 on or before May 8, 1978.

C. STEPHEN ALLRED

Director

Published in the Idaho Statesman, Boise, Idaho
on April 20, 1978 and April 27, 1978.

April 17, 1978

Re: Applications for Permit Nos. 63-9134 -- Phillips Enterprises, Inc.
63-9136 -- Garden City, Idaho

Frank Keller
Department of Health & Welfare
Statehouse Mail
Boise, ID

Dear Mr. Keller:

Enclosed are copies of the above referenced applications for permit which may be of interest to your agency. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter.

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

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

DBS:rf

C
O
P
Y



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

Division of Environment
801 Reserve Street
Boise, Idaho 83702

May 4, 1978

MEMORANDUM

TO: David B. Shaw

FROM: Frank Keller

RE:

1. 63-9144 Idaho Land Developers, Inc.
2. 63-9137 Edward Riddle
3. 63-9138 City of Boise (geothermal)
4. 63-9139 City of Boise (geothermal)
5. 63-9134 Phillips Enterprises, Inc. ✓
6. 63-9136 Garden City
7. 77-S-39 Stanley Kish
8. 65-S-118 W&L Land and Livestock Co.
9. 65-S-119 Idaho Rand, Inc.

Items 1,5,6. We will have to review plans and specifications on these. We, however, have no objections to the permit.

Item 2. We have no comment.

Items 3 and 4. Any discharge to a stream or runoff to a stream will have to be coordinated with our stream quality program.

Items 7,8,9. We have no comments.

Frank Keller

FK/ds