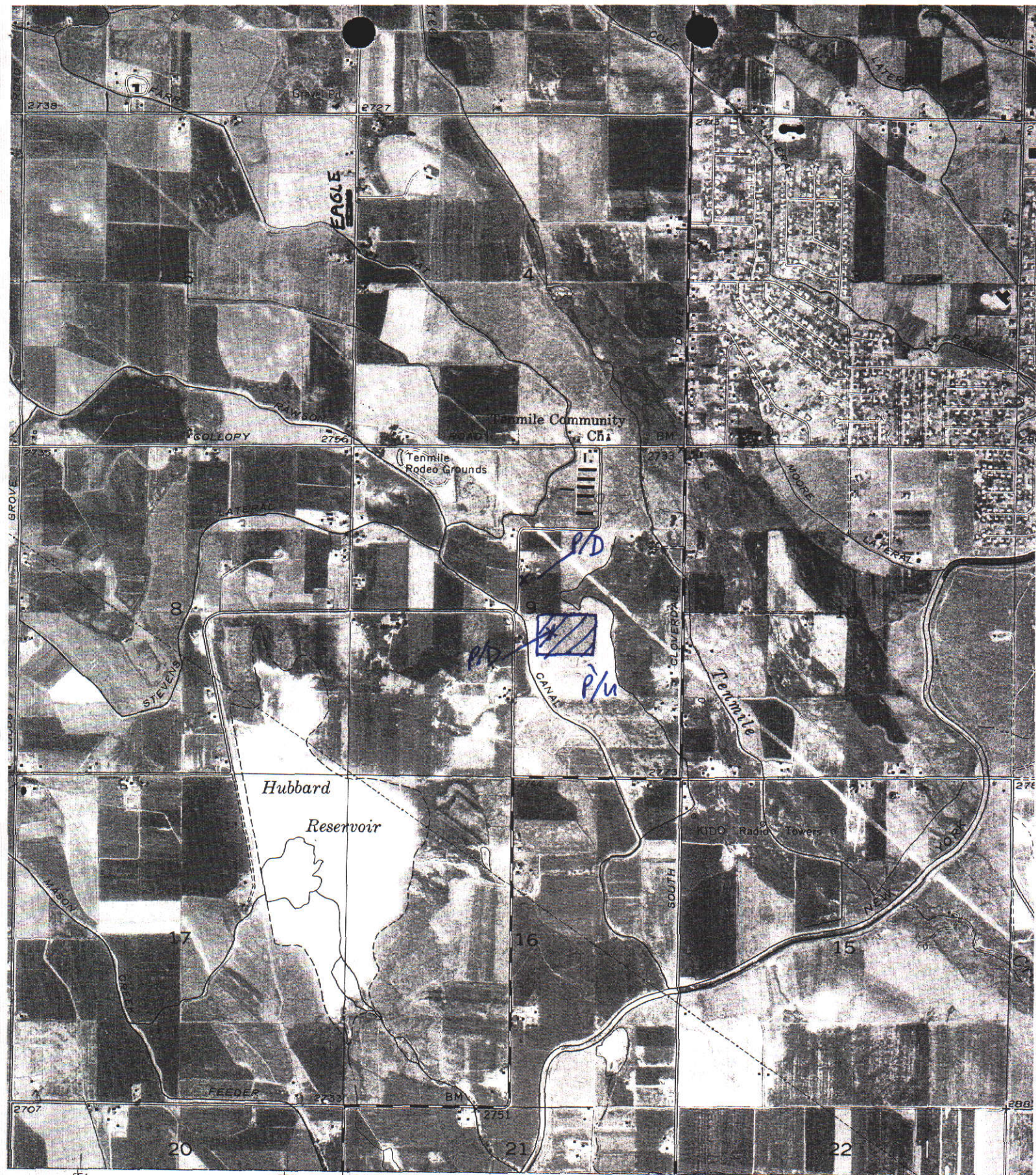




duced by the Geological Survey

photograph prepared from 1:80,000-scale aerial
photographs taken July 8, 1981

ection and 10,000-foot grid ticks: Idaho
dinate system, west zone
rverse Mercator)

3-meter Universal Transverse Mercator grid, zone 11
7 North American Datum

TZN RIE 59
MICROFILMED
SEP 23 2008
P/D: SWNE
P/u: NWSE
No Gov'ts



Copies Of These Map

32 R/mond R Carrico

This sketch is for location purposes only. The Company assumes no liability for variations.
PIONEER TITLE COMPANY
of Ada County

250'
148'
Charles E. Carrico
S. K. Carrico
7/17/42
5/17/40

East
1/4 corner

CONTRACT:
CARL H. & ALMA SMITH
17.548 AC
0.351 RD. EASEMENT
17.277 AC.

11 12
DAVID F. & GLORIA M. CROUSE
768757
4-27-71
CONTRACT:
DAVID F. & GLORIA M. CROUSE
1096

CONTRACT:
DOMINGO & EVELYN
EIGUREN

ESTEL B. & LOUISE BROWN
41

This sketch is for location purposes only. The Company assumes no liability for variations.
PIONEER TITLE COMPANY
of Ada County

DALLAS D. E.

Mary L. Fawcett

Lance S. & Joan M.
Fleming
701544
10-10-68

MICROFILMED
SEP 23 2002

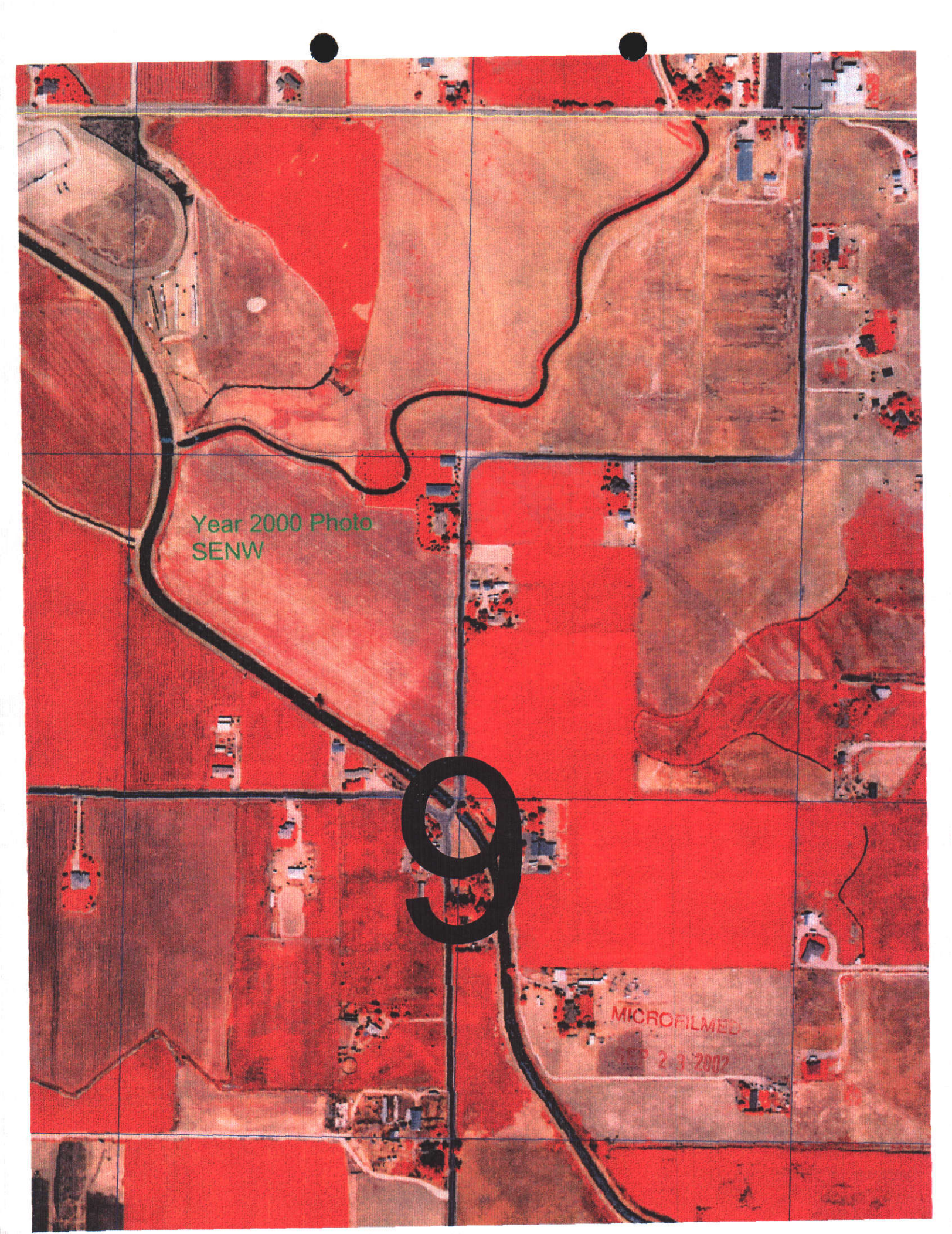
An aerial photograph showing a landscape with a prominent winding road or canal. The terrain is divided into various colored sections, likely representing different land use or vegetation types. A large black number '9' is overlaid in the center. Text is visible in the lower right corner, and a date stamp is in the bottom right corner.

Year 1994 Photo
SE NW

9

MICROFILMED

SEP 23 2002

An aerial photograph of a rural landscape. A winding road or path runs from the top left towards the bottom center. The landscape is divided into various agricultural fields, some of which are reddish-brown, possibly indicating a specific soil type or crop. There are some small buildings or structures scattered throughout the fields. The overall tone of the image is somewhat muted, with a lot of red and brown hues.

Year 2000 Photo
SENW

9

MICROFILMED
SEP 23 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31479

Priority: 4/16/2002

Maximum Diversion Rate: 0.30 CFS

This is to certify, that TED BOHLMAN And/Or PHYLLIS BOHLMAN
8820 STEWART RD
MERIDIAN ID 83642

have applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	3/01 to 11/15	0.30 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9, Twp 02N, Rge 01E, B.M. ADA County
GROUND WATER NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 9, Twp 02N, Rge 01E, B.M. ADA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 01E 9																	15.0

Total Acres: 15

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before August 1, 2003.
2. Subject to all prior water rights.
3. This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
4. This right does not authorize the irrigation of land not previously irrigated.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
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 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 if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed 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.

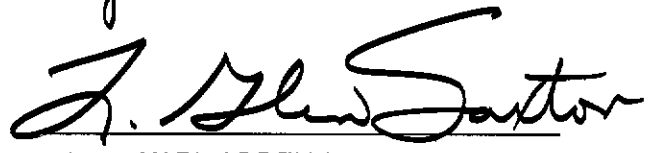
MICROFILMED

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31479

8. This right is for the use of ground water and is subject to administration as a water right from connected sources in the Snake River Basin in accordance with applicable law.
9. This right for the use of ground water shall be junior to, and subject to, the water rights of the U. S. Bureau of Reclamation heretofore appropriated, including as authorized by applicable law, reuse of water under such rights.
10. Use of water under this right may be affected by an agreement between the protestant and the right holder.
11. Water bearing zone to be appropriated is from 100 to 250 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 1st day of August, 2002.


for
KARL J DREHER, Director

MICROFILMED

SEP 15 1992

Ident. No. 63-31479

RECEIVED

JUL 29 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant TED & Phyllis BOHLMAN Phone (208) 888-6136
Mailing address 8820 STEWART Rd - Meridian, ID. 83642
2. Source of water supply Ground water which is a tributary of _____
3. Location of point of diversion is Township 2N Range 1E Sec. 9 in the _____ 1/4,
SW 1/4, NE 1/4, Govt. Lot _____, B.M., ADA County;
additional points of diversion if any: NWSE S9 2N 1E
4. Water will be used for the following purposes:
Amount .30 for IRRIGATION purposes from 3/1 to 11/15 (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)
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) .30 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source 2-existing wells
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 6" + 10" inches; proposed depth of well is 250 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? N
 - e. If well is already drilled, when? 1980's; Drilling firm W/K;
Well was drilled for (well owner) Lewis; Drilling Permit No. W/K
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

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SEP 24 2002

3. 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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	1E	9														15			

Total number of acres to be irrigated 15

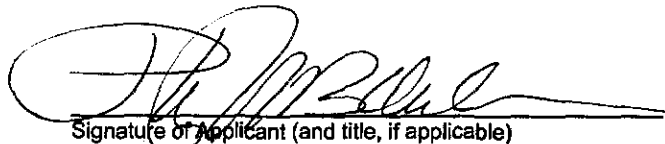
10. Describe any other water rights used for the same purposes as described above. Applying for Canal Rights

11. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: IRRIGATION OCCURRED PRIOR TO NOV. 1987.
WATER BEARING ZONE TO BE APPROPRIATED IS FROM
~100-250 FEET.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

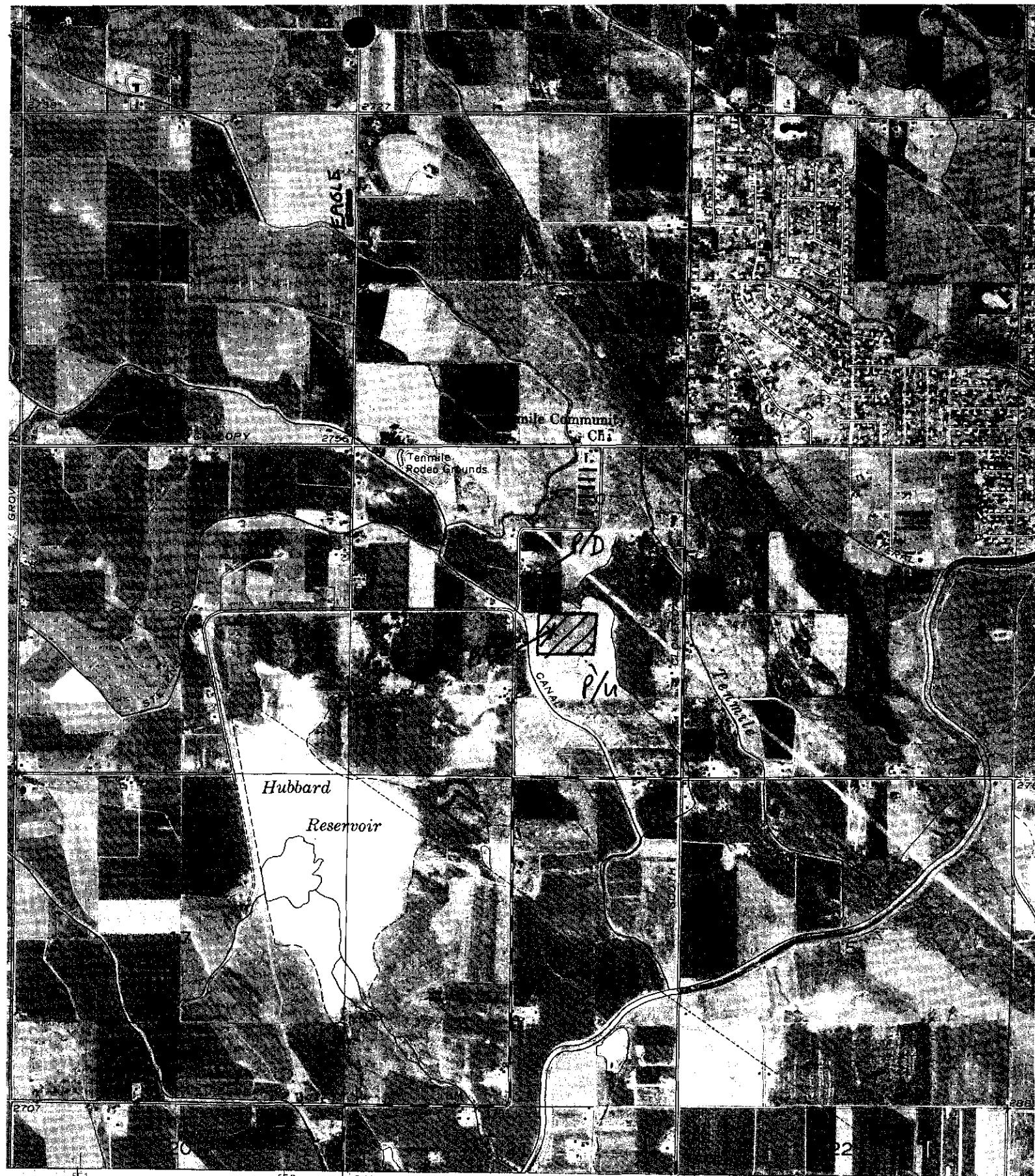
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.


Signature of Applicant (and title, if applicable)

Received by 6 Date 4/16/02 Time 11 Preliminary check by 6
Fee \$ 250 Received by 6 # W029029 Date 5-27-02
Publication prepared by 6 Date 5-27-02 Published in THE IDAHO STATESMAN
Publication approved 6 Date 5-27-02

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SEP 23 2002



duced by the Geological Survey

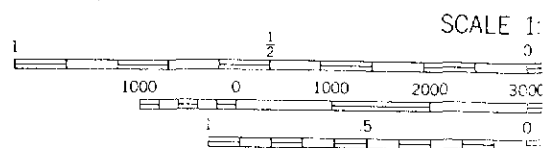
photograph prepared from 1:80,000-scale aerial
photographs taken July 8, 1981

ection and 10,000-foot grid ticks: Idaho
dinate system, west zone
rverse Mercator)

0-meter Universal Transverse Mercator grid, zone 11

7 North American Datum

TZN RIE S9
MICROFILMED
P/D: SWNE
P/u: NWSE
No Gov'ts



Copies Of These Map

108
101
102

32

← East
1/4 corner

-12-

11

-15-

44

48

Mary L. Fossy

MICROFILMED

100

100 50

IDAHO PUMP & PLUMBING, CORP.

9975 Fairview Avenue
BOISE, IDAHO 83704
(208) 376-1181

STATEMENT

#3235

AMOUNT ENCLOSED \$

June 11, 1987

1 1/2% interest per month will be charged
on all accounts 30 days past due.
Minimum charge .75¢ per month.

Ted Bohlman

P. O. Box 1423

Boise, Idaho 83701

PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

PAY LAST BALANCE
IN THIS COLUMN

		PREVIOUS BALANCE	
Labor	85.50		
Materials	15.00		
Total Due:			100.50
<i>Phyllis</i> <i>6/16/87</i>			
		MICROFILMED	
		SEP 23 2002	

IDAHO PUMP & PLUMBING, CORP.

Thank You

IDAHO PUMP & PLUMBING, CORP.

9975 Fairview Avenue
BOISE, IDAHO 83704

(208) 376-1181

JOB INVOICE

888-3862 336-443 3363
~~362-9656 H~~

PHONE 343-6458 WK	DATE OF ORDER 4/17/87
ORDER TAKEN BY	CUSTOMER'S ORDER NUMBER
☐ DAY WORK ☐ CONTRACT ☐ EXTRA	
JOB NAME/NUMBER	
JOB LOCATION 8220 Stewart Rd	
JOB PHONE	STARTING DATE

TO Ted Bohman
P.O. Box 1423
Boise, Ida 83701

TERMS:

QTY.	MATERIAL	PRICE	AMOUNT	DESCRIPTION OF WORK
3	3" clayton Hydrants	30.00	90.00	install 3 press Hydrants
3	3/4 Brass street 90	3.70	11.10	and service lines
3	3/4 x 1/2 Nip	2.75	8.25	
3	1 x 3/4 Bell red.	2.24	6.72	
3	1" male socket adaptor	5.95	17.85	
1	1" insert coupling		2.40	
10	1" gear clamps	8.00	8.00	
230'	1" poly pipe		115.00	

OTHER CHARGES

Bohman 50.00

TOTAL OTHER

LABOR	HRS	RATE	AMOUNT
6-17	6	27.00	297.00
6-18	5	18.00	

MICRO
SEP 23 1987

DATE COMPLETED

TOTAL MATERIALS

261.32

TOTAL LABOR

297.00

TOTAL MATERIALS

261.32

Work ordered by

Signature

I hereby acknowledge the satisfactory completion of the above described work.

Thank You

TOTAL OTHER

50.00

TAX

15.57

TOTAL

623.89

Total Bid 600.00

9975 Fairview Avenue
BOISE, IDAHO 83704

JOB INVOICE

62-3662 H

3434

Red Bullman - M.D.
R.D. Box 1-23
Boz. Id. 83701

TERMS:

PHONE 343-645800	DATE OF ORDER 7/7/87
ORDER TAKEN BY	CUSTOMER'S ORDER NUMBER
☐ DAY WORK ☐ CONTRACT ☐ EXTRA	
JOB NAME/NUMBER	
JOB LOCATION EC20 Stewart Rd	
JOB PHONE	STARTING DATE

QTY	MATERIAL	PRICE	AMOUNT	DESCRIPTION OF WORK
	PULLED 1hp Pump 189' 1" GALV. PIPE STATIC 125'			
	SAT 1hp RAO JACKET 204'			
	SAT 5hp Barkley 4CM-15 178'			S/N 2356387 / MOTOR 636-05-152
	SAT 3hp Barkley BOOSTER			
	BOTH SUB LOCK UP WITH SAND.			OTHER CHARGES
1	Pump panel (this panel can be used in both sub pumps)		716.00	
	PULLED 5hp SUB Pump			
	SAT 1hp SUB Pump			
				TOTAL OTHER
				LABOR HRS. RATE AMOUNT
				7-9-87 Jim
				Paul 4 37
		2.94	8.82	7-8-87 Jim
		1.95	1.95	John 4
	MICROFILMED	5.95	11.90	7-9-87 Jim
			1.20	Paul 4 1/2 462.50
				7-13-87 Jim 2 35 64.00
				Normal rate for 2 hours
				+ trip is 57.00 per hr
	7-13-87			TOTAL LABOR 526.50
	Ran TEST on 1hp			TOTAL MATERIALS 745.07
	SPRINKLERS OVER 5120			TOTAL OTHER
				TAX 37.25
				TOTAL 1308.82

Work ordered by _____

Signature _____

I hereby acknowledge the satisfactory completion of the above described work.

Thank You

PUMP & PLUMBING, CORP.

9975 Fairview Avenue
BOISE, IDAHO 83704
(208) 376-1181

STATEMENT

#3363

AMOUNT ENCLOSED \$

1½% interest per month will be charged

1987

Minimum charge .75c per month.

Ted Bohlman, M.D.

P. O. Box 1423

Boise, Idaho 83701

PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

PAY LAST BALANCE
IN THIS COLUMN

PREVIOUS BALANCE →		
Materials,		
and Tax:		
bid:		600.00
<i>pd 7-10-87</i>		

PUMP & PLUMBING, CORP.

Thank You

MICROFILMED

SEP 23 2002

RESIDENTIAL

COMMERCIAL

INDUSTRIAL

1501 MAIN ST.
BOISE, IDAHO 83702-5290**Alloway Electric Co.**

344-2507

ELECTRICAL CONTRACTORS

INDUSTRIAL

19

87

DR. TED BOHLMAN
P.O. BOX 1423
BOISE, ID. 83701

DATE	REFERENCE	CHARGES	PAYMENTS	BALANCE
7-28-87		BALANCE FORWARD		0.00
7-28-87	19001	1,605.45		1,605.45

CURRENT BAL
1,605.45*pd 500.00*

MICROFILMED

SEP 23 2002

PAY LAST
AMOUNT IN
THIS COLUMN*Thank
You*



QUOTATION SHEET FOR SALE OR RENTAL

COMPANY LOCATION

NO. 96 DATE 8/20/87



RENTAL

FROM

- TC

76345

CUSTOMER

Ted Bauman

CUST.
NO. _____

CUST.
P.O.#

ADDRESS

COUNTY

SALESMAN

D. 574651 381

CITY

STATE ZIP

**TERMS IF
OTHER THAN
ON REVERSE**

DELIVERY DIRECTIONS

H 888-3862 wah 343-6 THIS IS NOT AN INVOICE

QUANTITY	WOSCO PART NUMBER	DESCRIPTION	NEW USED	PRICE	UNIT	TOTAL
1		6" 90°EI	u			26 20
1		6" x 17' mainline WOV	u			29 50
24		JTs 4' x 50' main (SRL) WOV	u	33.00	ea	792 00
1		4' x 30' main WOV	u			25 66
1		4' x 30' main WOV	u			16 80
1		4" Line ter.	u			18 30
1		4" End Plug	u			6 11
1		840' wheel line w/ 6' wheels, 4' x 30' hose	u			1740 00
		Center feed, sprinks, loaders, etc				
		del + Set up				350 00
		(Cash sale price on above equip \$5700.00)				
		(Net Buyout After 4% discount \$4,021.61)				\$3,004 71

QUOTATION

MICROFILM

SEP 24 2002

INSTALLATION AND REMOVAL CHARGE

DELIVERY CHARGE

ABOVE LISTED MATERIAL SUBJECT TO THE TERMS AND CONDITIONS ON THE REVERSE SIDE
OF THIS FORM.

PRICES SUBJECT TO CHANGE WITHOUT NOTICE.

THE UNDERSIGNED CUSTOMER AGREES THAT HE HAS READ THE TERMS AND CONDITIONS ON BOTH SIDES OF THIS FORM AND THAT THEY CONSTITUTE THE ENTIRE AGREEMENT BETWEEN THE PARTIES HERETO.

SUB TOTAL

SALES OR USE TAX

TOTAL

THIS IS NOT AN INVOICE-DO NOT PAY

ACCEPTED FOR RAIN FOR RENT, INC. BY

X

CUSTOMER SIGNATURE

DATE _____

AUTHORIZED SIGNATURE

DATE _____

FIRST YEAR RENTAL ALLOWANCE IS _____ OF RENTAL PAID

REQUEST TO PROCESS

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

Name of Applicant

TED & PHYLLIS BOHLMAN

Mailing Address

8820 STEWART RD

MERIDIAN ID 83642

Application No.
(if known)

— 63-31479

 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.

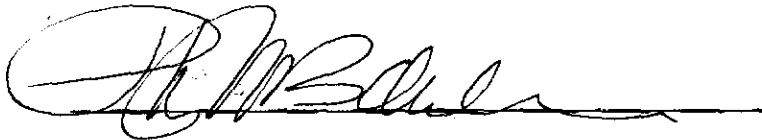
 PROPOSE MITIGATION NOW

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.

 / 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.

Signature



Date

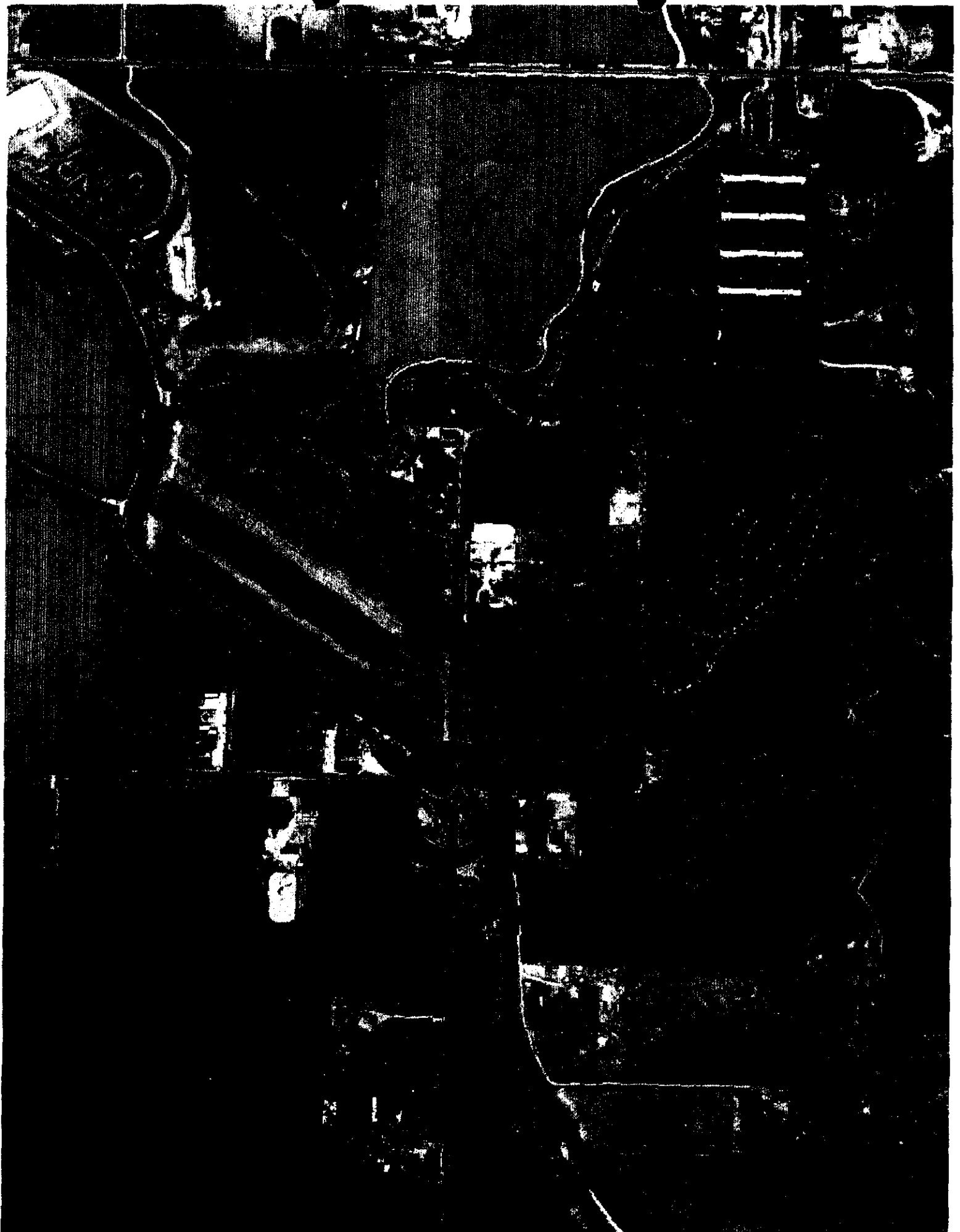
4/16/02

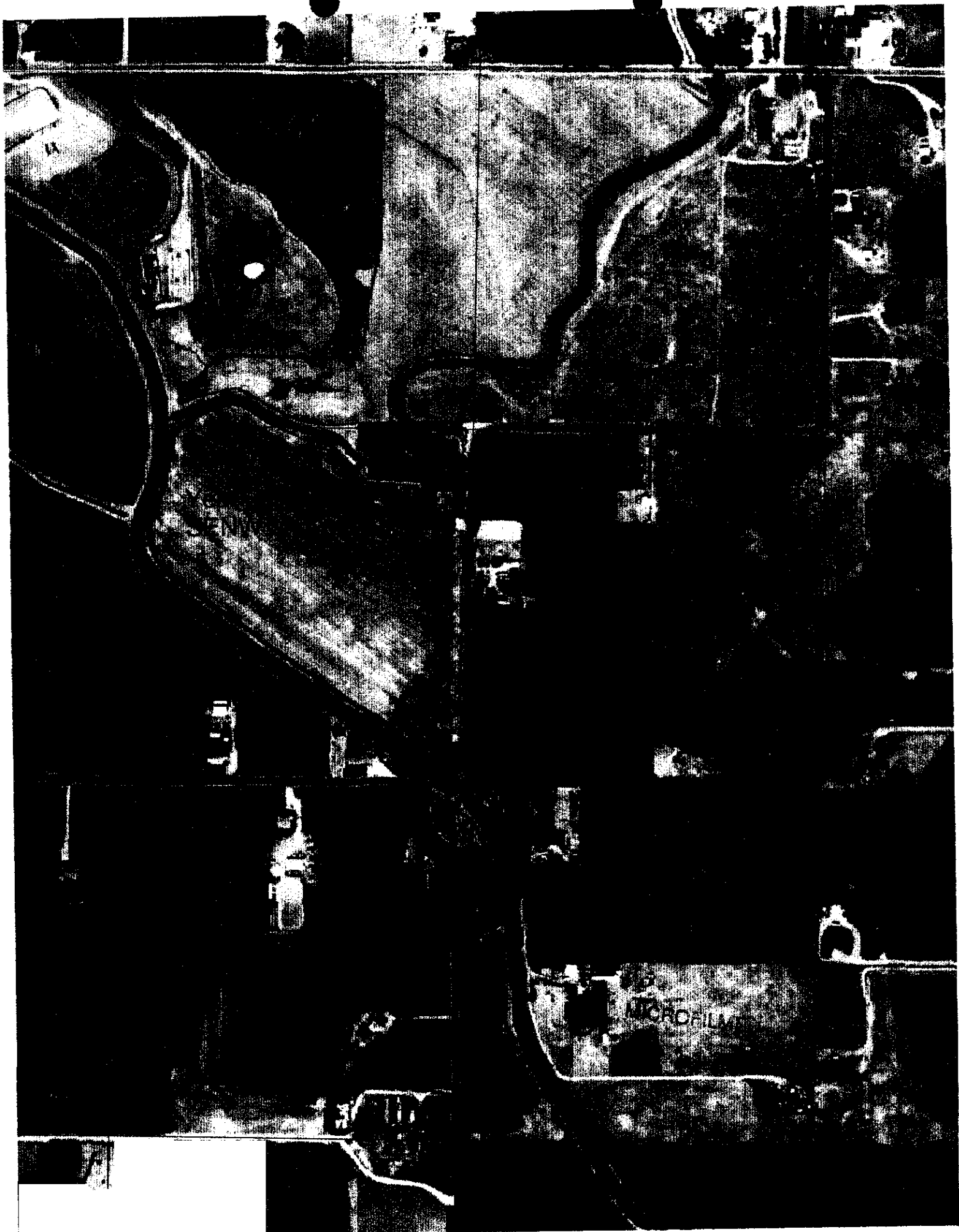
Please return this form to:

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

MICROFILM

SEP 2 4 2002





Ms. Lori Graves
Sr. Water Resource Agent
Western Regional Office
Boise, Idaho, 83705

Dear Lori:

Here is our best recollection of the events of 1987, when we attempted to water the acreage which we had just purchased that spring (May).

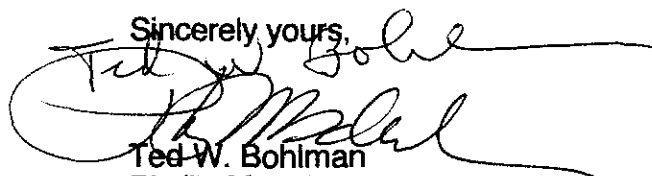
We had moved from Spokane with 9 horses, looking for rural property. We were desperate to find pasture for them to graze on, and purchased the property (18 acres) with that intent in mind. We enlisted the help of a well expert, IDAHO PUMP AND PLUMBING, on June 11th of that year. After extensive tests, we were told that our domestic well would provide enough water to irrigate the pasture. ALLOWAY ELECTRIC was hired to provide the electrical system for a booster pump to provide adequate flow and pressure. Three buried hydrants were placed to service the system.

July 29, 1987, a sand filter system was installed in the pump, to deal with a sand issue that had come up, in an attempt to provide more volume for the sprinklers. RAIN FOR RENT was contracted to provide the hand lines and wheel lines for the system. After some success, but plagued with sand issues, we were advised by the EXPERTS, that we ran the risk of losing our domestic water source due to the sand issue.

Due to the above problems, we decided to defer, for a while (but never giving up hope), our attempt to further irrigate the pasture. In total, some \$6,600.00 were expended that summer (1987) in our irrigation system. It was no small effort!

We hope this answers any questions you might have. If further questions arise, don't hesitate to call. Thank you for your time and attention.

Sincerely yours,



Ted W. Bohlman
Phyllis M. Bohlman

P.S. Please see receipts previously provided, which verify the above statements.

MICROFILMED

SEP 23 2002

Ted Lewis Water Assoc. met on Thursday, June 7, 2001 at 7:30 p.m. at the Greenwell home. Those present were Ron & Pam Archuletta, Ted Lewis, and Gary & Barbara Greenwell.

Discussion of scheduling irrigation took place. It was decided that when a member of the association wants to irrigate, they must notify the person in charge of billing 3 days prior to turning on the pump. This is to confirm that there are no pre-existing schedules to conflict.

It was voted upon to set up a reserve maintenance fund again. As in past years, each member of the association is required to pay \$25.00 per share per year. There will be no cap, no refund and money will be due by June 20th of this year and by April 1st thereafter.

It was also voted upon to pay a one-time reserve for the power bill. This is to cover the monthly power bill in the event that someone is out of town and unable to pay their portion of the bill before the due date. Each member will pay \$30.00 per share. This is due June 20, 2001. This is equivalent to the largest power bill in 2000.

Within 30 days a representative of this association must meet with Welebirs at the Ted Lewis Water Assoc. place of banking to have the legal papers showing the sale of Welebir's 25 shares, notarized. It will then be recorded with Ada County.

During the months that Idaho Power charges a billing demand (currently June 1st to September 30th), that fee will be divided into 35 equal shares and paid according to the number of shares owned per member. This fee will be paid whether members irrigate during that period or not. Each member will then pay for the number of kilowatt-hours he used during that billing period. Members must record the TOU (Time Of Use) A(16), B(17), C(18) and D(19) meter readings before turning on pump and immediately following shut down of the pump at the end of irrigating. Dates of irrigating must also be recorded. Use the calendar provided to record this data.

The TOU (Time Of Use) power meter was discussed. This meter shows the date, time (24 hour military) and records power usage during "off peak" 9 pm-9 am, "mid peak" 9 am-1pm and "on peak" 1pm-9pm times. It also records power usage during the non-billing demand periods as well as the max kilowatt demand for the billing period.

At the close of the meeting, Archuletta's paid by check \$275.00 to cover their cost of the reserve maintenance fund (\$125) and reserve power fund (\$150). All other members are asked to please have their check to person in charge of billing for the year (Gary & Barbara Greenwell) by June 20, 2001.

Reserve Maintenance Fund (# shares x \$25)
Greenwell-\$125 Bohlman-\$625

Reserve Power Bill (# shares x \$30)
Greenwell- \$150 Bohlman- \$750

Meeting closed at 9:30pm.

Cc: Archuletta Bohlman Greenwell Lewis

MICROFILMED

SEP 21 2002

375.00

June 19, 2001

Gary and Barb Greenwell
Ron and Pam Archuletta

Dear Neighbors:

We are writing this letter in reply to your note received late last week. I first of all wish to say how sad Phyllis and I are that our relations have been strained by the disagreement over the water association. It's too bad. If you look back on our history as neighbors, I think you will agree that we have always made an attempt to be fair and equitable in our dealings. We, however, don't feel that we have been treated in a like manner, particularly when it comes to our water association. There are others who have similar feelings, and have chosen to leave our association-citing too much conflict. It need not be that way, if we work together in a spirit of fairness. We will make this attempt to reiterate our positions. Accept this in the spirit that is intended-TO BE FAIR.

First: In regard to the water meetings themselves, we chose to exclude ourselves from the last meeting for several reasons. One, we wished to avoid conflict as was demonstrated last year. Two, there is no effort made to compromise when differences occur. Three, and most important, the makeup of those attending does not reflect the membership in the Ted Lewis Water Association. This is a meeting that should occur with ONLY members present. It is about us, and between us, and does not involve others. We are willing to attend a meeting with only involved members present.

Second: We remain concerned regarding the ownership of the small plot of ground which houses the well. It has been our understanding that the well site is to be part of our water association, with title transferred to the association. Does the present title reflect that? If so, great, if not, why not? This is something that must be addressed. It is a concern of ours, and has been so to others in the past.

Third: With regard to watering schedules, we have no problem with notifying the current president of a start-up. However, is that really necessary? We see when you water, and try not to interfere with your schedule. Doesn't it make more sense to call the other two members when you intend to water, and inform them of your intention? Ron calls Ted and Gary and informs them of his intent to water for example. Since you water a shorter period, it would be rare for it to conflict with us.

Fourth: Regarding the reserve fund, we will agree to put \$20.00 per share in the reserve fund for well maintenance and upkeep. We also remain committed to the well with regard to upkeep and maintenance. We disagree, however on a slush fund of \$30.00 per share to pay for and cover the power bill. The slush fund created for pump maintenance can be used for such a purpose. We intend to pay our obligations in a timely fashion. We have never fallen behind in our obligation, and do not intend to do so. At the end of any water year, the slush fund will be fully restored, and continue to grow for future well maintenance.

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Fifth: Regarding electricity expenses, we will not agree to pay any power charges if we do not use the pump in any given billing cycle. It is simply not fair. If you don't use it, you don't pay. It's unreasonable to ask otherwise.

In regards to the billing demand charge, we remain firm on our position that it be divided into equal thirds. Billing demand has nothing to do with acres watered, but is an obligate charge for the use of the pump and the electrical power supply placed by Idaho Power and should be shared equally. Every expert I have consulted has supported this position. We offered to compromise last year and agree to split billing demand in halves, but were met with rejection. That offer is no longer on the table. This approach does somewhat level the playing field in regards to frequency of watering. We water less than you do. Start up is the most stressful period on the pump system. We have never considered frequency of watering in our equation, and prefer not to do so. More power to you if you need to water. Sharing equally in billing demand helps to make up for these differences, though no system will be entirely equitable. You could argue, if you (Ted and Phyllis) weren't on the well, we'd have a smaller pump, and a smaller billing demand. While this is partially true, the minimal pump size to drag water up from 260 feet, and give any pressure to the lines is somewhere in the range of 65 HP, according to a local pump expert. That would mean LONGER watering cycles for all of us, an incurred expense to change the pump over, and an increase in the KW hour charge which HAS BEEN INCREASED THIS YEAR associated with the longer watering cycle. (billing demand has not gone up). Presently with the larger pump, you also have the convenience of flooding your fields in a very short period of time, which is not only a convenience but also a saving in KW hour charge. We can't think of a better illustration of billing demand and how it affects us all than to play out the scenario that would occur should we leave the pump. You two families WOULD then split billing demand in halves, and upkeep and maintenance in half. What happens to your costs then? Is that really what you want? Common sense would suggest not. We remain willing to consider continuing our relationship with the water association as long as we are treated fairly.

Please consider this proposal carefully. Sincerely yours,

Ted and Phyllis Bohlman

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SEP 23 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 2, 2002

TED BOHLMAN
PHYLLIS BOHLMAN
8820 STEWART RD
MERIDIAN ID 83642

RE: Permit No. 63-31479

Permit Approval Notice

Dear Permit Holder:

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

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

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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

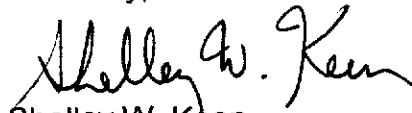
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

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

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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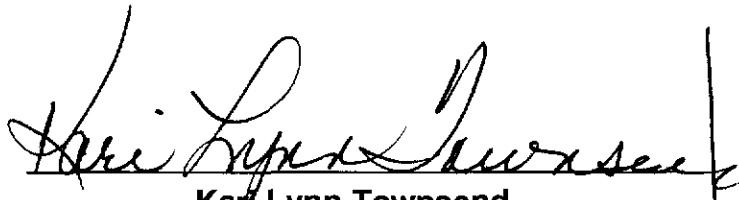
SEP 23 2002

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 63-31479

**TED BOHLMAN
PHYLLIS BOHLMAN
8820 STEWART RD
MERIDIAN ID 83642**


**Karl Lynn Townsend
Secretary**

**MICROFILMED
SEP 2 2002**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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Comment Report

63-31479

1. Igraves 4/23/2002 Comment/Analysis

Comment: Well logs for the two existing wells were not found. Water bearing zone was estimated based on other well logs in close proximity. The well in the NWSE also serves applicants home (63-20955). The well in the SWNE also serves 63-31462, 63-31470 and 63-31472 (splits off irrigation license 63-9655). Gary Greenwell might also file a split on the license and will be sent notice. Applicants have applied and are on a waiting list for canal shares from New York Irrigation District. First application of ground water to the property for irrigation occurred prior to Nov. 1987, during the 1987 irrigation season as evidenced by the attached pump and plumbing receipts. 1994 and 2000 arc view photos indicate irrigation of the subject property.

2. Igraves 4/23/2002 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.

Development completed by November 1987.

Water bearing zone to be appropriated is from 100 to 250 feet.

3. Shelley Keen 7/30/2002 Permit preparation

Comment: The permit document was prepared by Shelley Keen on 7/30/2002.

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SEP 23 2002

JUL 29 2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

Department of Water Resources

Initial review by 6 Date 4/22/02 Application # 63-31479

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, the names and addresses for the director, officers, and other partners must be included)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County
- ☒ Quantity (Flow and/or Volume)
- ☒ Period of use
- ☒ Nature of proposed use (Include description of use)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map (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 corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Government Lots
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

Y **ADVERTISE REMARKS (Yes or No)**

YES NO

- ☒ ☒ Overlapping place of use (Describe source and relationship to present application on next page)
- ☒ ☒ Overlapping point of diversion
- ☒ ☒ Critical groundwater area
- ☒ ☒ Ground water management area
- ☒ ☒ 1992 moratorium
- ☒ ☒ Surface water source, IDFG letter needed
- ☒ ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ ☒ 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

water bearing zone

Date Requested 4/22/02 Date Response Received 4/22/02

PROCESSINGAPPLICATION # 63-31479

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. Environmental Quality
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ US BLM
☐ ☒ US Forest Service
☐ ☒ Water Dist #
☐ ☒ Water Planning Bureau
☒ ☐ Other see attached list

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 5-20-02
☐ ☒ Protests received
☐ ☒ Recommendations attached
☐ ☒ Measuring device required
☒ ☐ Water delivered by water master? District # _____
☒ ☐ Special conditions of approval or cover letter

121, Two conditions must be placed on the permit & subsequent license. The conditions are contained in a stipulation that withdraws BOR's protest dated July 15, 2002.

Recommended Date of Priority 4/16/02Recommendation ☒ Approve ☐ Deny by Gary Spackman Date 7/25/02**ADDITIONAL INFORMATION**☐ See Attachment(s) ... always include application proof report

COMMENT LETTERS :

RON ARCHULETA
8200 STEWART RD
MERIDIAN ID 83642

TIM + STEPH WELEBIR
8475 STEWART RD
MERIDIAN ID 83642

GARY GREENWELL
8580 STEWART RD
MERIDIAN ID 83642

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 63-31479

WATER RIGHT NUMBER: 63-31479

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TED BOHLMAN 8820 STEWART RD MERIDIAN, ID 83642 (208) 888-6136

Current Owner	PHYLLIS BOHLMAN 8820 STEWART RD MERIDIAN, ID 83642 (208) 888-6136
---------------	--

Priority Date: 04/16/2002

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 9,	Twp 02N,	Rge 01E, B.M.
ADA County				
GROUND WATER	NW1/4SE1/4	Sec. 9,	Twp 02N,	Rge 01E, B.M.
ADA County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	01E	9															15.0		15.0

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 63-31479

Comments:

1. Igraves 4/23/2002 Comment/Analysis

Comment: Well logs for the two existing wells were not found. Water bearing zone was estimated based on other well logs in close proximity. The well in the NWSE also serves applicants home (63-20955). The well in the SWNE also serves 63-31462, 63-31470 and 63-31472 (splits off irrigation license 63-9655). Gary Greenwell might also file a split on the license and will be sent notice. Applicants have applied and are on a waiting list for canal shares from New York Irrigation District. First application of ground water to the property for irrigation occurred prior to Nov. 1987, during the 1987 irrigation season as evidenced by the attached pump and plumbing receipts. 1994 and 2000 arc view photos indicate irrigation of the subject property.

2. Igraves 4/23/2002 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.
Development completed by November 1987.
Water bearing zone to be appropriated is from 100 to 250 feet.

Dates and Other Information:

Application Received Date: 4/23/2002

Application Denied Date:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date:

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Formal Action Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks: Irrigation occurred prior to November, 1987. Water bearing zone to be appropriated is from 100 to 250 feet.

Other Water Rights: Applied for New York Irrigation District water shares.

Time to Complete Works: 1

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

RECEIVED

JUL 24 2002

WATER RESOURCES
WESTERN REGION

BEFORE THE DIRECTOR OF THE
IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-31479)
IN THE NAME OF TED &/or PHYLLIS) STIPULATION
BOHLMAN)
)
)
)
)

Applicants, Ted and Phyllis Bohlman, and Protestant United States Bureau of Reclamation, through J. William McDonald, Regional Director, Pacific Northwest Region stipulate as follows:

The Applicants have filed the above-captioned application for permit to appropriate ground water to supply water for irrigation use. The intended place of use of such water includes lands within the boundaries of the Boise Federal Reclamation Project (Boise-Kuna Irrigation District). The Bureau of Reclamation delivers water for irrigation of lands within the boundaries of the Boise Federal Reclamation Project pursuant to federal contract. The Bureau of Reclamation protested the application for new permit in order to protect project water rights.

To resolve the protest, the Applicants and the Bureau of Reclamation have agreed to the inclusion of the following condition in any permit/license that may be issued to the Applicant by the Department in connection with the above captioned Application.

Stipulation - 1 -

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- A. This [permit/license] is for the use of ground water and is subject to administration as a water right from connected sources in the Snake River Basin in accordance with applicable law.
- B. This [permit/license] for the use of ground water shall be junior to, and subject to, the water rights of the U.S. Bureau of Reclamation heretofore appropriated, including as authorized by applicable law, reuse of water under such water rights.

Provided the Department will incorporate the above conditions in the form set forth herein in any permit and/or license issued in connection with the Application, the Bureau of Reclamation agrees to withdraw its protest, and the Bureau of Reclamation agrees to the Department's further processing of the Application without a hearing.

This stipulation as represented herein is the entire agreement between the parties. It supercedes and replaces all prior negotiations or agreements, written or oral. The parties acknowledge that there are no other promises or representations (express or implied) not contained in this agreement concerning the subject matter of this stipulation and that this stipulation contains the full understanding of the parties agreement.

Further, the parties understand that the Department may include additional conditions in any permit or license as it deems appropriate, and provided such additional conditions are not inconsistent with the above conditions, they shall not negate the withdrawal of the protest affected by this Stipulation.

//

//

//

Stipulation - 2 -

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SEP 23 2002

DATED this 15th day of July, 2002.

APPLICANTS

By: 
Ted Bohlman

By: 
Phyllis Bohlman

UNITED STATES DEPARTMENT OF THE
INTERIOR, BUREAU OF RECLAMATION

By: 
For J. William McDonald, Regional Director
Pacific Northwest Region

CERTIFICATE OF SERVICE

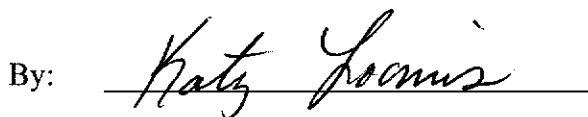
I hereby certify that on this 23 day of July, 2002, I caused to be served a true and correct copy of the foregoing by postage prepaid U.S. mail, and addressed to the following:

Karl J. Dreher
Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720

Kathleen Marion Carr
Office of the Field Solicitor
U.S. Department of the Interior
550 West Fort Street, MSC-020
Boise, ID 83724

Gary Spackman
Western Regional Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Ted and Phyllis Bohlman
8820 Stewart Road
Meridian, ID 83642

By: 

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Conducted by: Gary Spackman

NAME _____

ADDRESS

Julie Bohle 8820 Stewart Rd. Meridian, ID, 83642
 Julie Bohle 8820 Stewart Rd Meridian, ID 83642
 Ruth Page PN Regional Office Boise
 Kathleen Varian Call U.S. Dept. of the Interior

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SEP 23 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
FOR PERMIT NO. 63-31479 IN THE)	NOTICE OF PREHEARING
NAME OF TED &/OR PHYLLIS)	CONFERENCE
BOHLMAN)	
_____)	

On April 22, 2002 Ted &/or Phyllis Bohlman filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by the US Bureau of Reclamation.

IDWR has scheduled a conference for the protest to be held on **Tuesday, July 2, 2002 at 3:00 p.m. at the Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR at least ten (10) days prior to the conference.

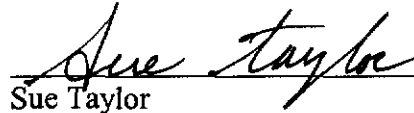
Dated this 10th day of June 2002.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of June 2002, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:



Sue Taylor
Senior Secretary

TED &/OR PHYLLIS BOHLMAN
8820 STEWART RD
MERIDIAN ID 83642

E GAIL MCGARRY
BOR PACIFIC NW REGIONAL OFFICE
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

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

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

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SEP 23 2002

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also *formulate and simplify the issues*, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. *If so, the hearing officer will prepare a preliminary order for the Director's consideration.* Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

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SEP 23 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 10, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TED &/OR PHYLLIS BOHLMAN
8820 STEWART RD
MERIDIAN ID 83642

Re: Application for Permit No. 63-31479

Dear Applicant:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to the above-referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for July 2, 2002 at the Idaho Department of Water Resources, Western Region. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

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

Sincerely,


Gary Spackman

GS:st

Enclosure: Copy of protest(s)
Notice of Prehearing Conference

MICROFILMED
SEP 23 2002



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

June 10, 2002

E GAIL MCGARRY
BOR PACIFIC NW REGIONAL OFFICE
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

Re: Application for Permit No. 63-31479 in the Name of Ted &/or Phyllis Bohlman

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for July 2, 2002 at the Idaho Department of Water Resources, Western Region. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If this office can be of further assistance, please contact us.

Sincerely,


Gary Spackman

GS:st

Encl: Copy of Application
Notice of Prehearing Conference

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

2062183
RECEIVED

MAY 20 2002

NOTICE OF PROTEST

Department of Water Resources

This form may be used to file a protest with the department under section 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all the necessary information.

1. Matter being protested Application for Permit No. 63-31479 in the name of Phyllis and Ted Bohlman, 8820 Atewart Rd., Meridian, Idaho 83642

2. Name of Protestant United States Department of Interior Bureau of Reclamation

3. Protestant's representative for service (if different than Protestant)

E. Gail McGarry, Manager Water Rights and Acquisition, Pacific Northwest Regional Office, Bureau of Reclamation

4. Service mailing address

E. Gail McGarry, PN-3100, Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise Idaho 83706

5. Service telephone number E. Gail McGarry (208) 378-5306

6. Basis of protest (including statement of facts and law upon which the protest is based)
Injury to Reclamation project water rights.

7. What would resolve your protest?

Inclusion of the following language "This [permit/license] is for the use of ground water and is subject to administration as a water right from connected sources in the Snake River Basin in accordance with applicable law. This [permit/license] for the use of ground water shall be junior to, and subject to, the water rights of the United States Bureau of Reclamation heretofore appropriated, including, as authorized by applicable law, reuse of water under such water rights."

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 20 day of March, 2001.

United States

PROTESTANT

E. Gail McGarry
PROTESTANT'S REPRESENTATIVE

MICROFILMED

SEP 11 2002

Idaho Department of Water Resources Receipt

Receipt ID C062183

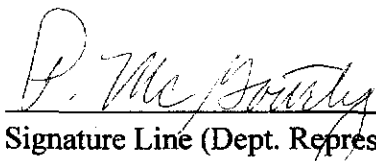
Payment Amount \$50.00 Date Received 5/20/2002 2:01:15 PM Region State Status
Payment Type Check Check Number 269

Payer VERONICA R. LOPEZ

Comment Permit #63-31479, Phyllis and Ted Bohlman
Permit No. 63-31481, City of Kuna

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	PROTESTS	0229	21	56103	1155


Signature Line (Dept. Representative)

MICROFILMED

SEP 23 2002

RECEIVED

MAY 23 2002

WATER RESOURCES
WESTERN REGION



IN REPLY
REFER TO:

PN-3110
WTR-1.10

United States Department of the Interior

BUREAU OF RECLAMATION

Pacific Northwest Region

1150 North Curtis Road, Suite 100

Boise, Idaho 83706-1234

MAY 20 2002

CERTIFIED - RETURN RECEIPT REQUESTED

Mr. Ted and Mrs. Phyllis Bohlman
8820 Stewart Road
Meridian ID 83642

Subject: Ground Water Application 63-31479

Dear Mr. and Mrs. Bohlman:

Enclosed is a copy of the Bureau of Reclamation's Notice of Protest. This copy is sent to you as a requirement of the Idaho Department of Water Resource's Rules of Procedure, IDAPA 37.01.01203.

Sincerely,

ACTING FOR

E. Gail McGarry
Program Manager
Water Rights and Acquisition

Enclosure

MICROFILMED

SEP 23 2002

The Idaho Statesman

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DT#	Identification	Amount
047628	651106	NOTICE OF APPLICATION	\$143.00
Attention:	P.O. #	Run Dates	
SUE TAYLOR		MAY 2, 9, 2002	
IDAHO DEPT. WATER RESOURCES WEST 2735 AIRPORT WY. BOISE, ID 83705		RECEIVED MAY 10 2002	Number of Lines 40 X 2 Affidavit 1 Legal # 13314

WATER RESOURCES
WESTERN REGION

LEGAL NOTICE

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

63-31479

TED BOHLMAN
8820 STEWART RD
MERIDIAN ID 83642
PHYLLIS BOHLMAN
8820 STEWART RD
MERIDIAN ID 83642

Point(s) of Diversion SWNE S9 T02N R01E ADA County Source GROUND WATER

Point(s) of Diversion NWSE S9 T02N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.3 CFS
Total Diversion: 0.3 CFS
Date Filed: 04/23/2002
Place Of Use: IRRIGATION
T02N R01E S9 NWSE
Number of Acres 15

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Development completed by November 1987.

Water bearing zone to be appropriated is from 100 to 250 feet.

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 Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 05/20/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub. May 2,9, 2002

13314

JANICE HILDRETH, 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 Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

beginning issue of: MAY 2, 2002

ending issue of: MAY 9, 2002

Janice Hildreth

STATE OF IDAHO)

.SS

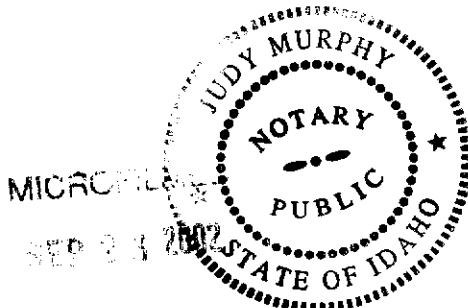
COUNTY OF ADA)

On this 9 day of MAY in the year of 2002 before me, a Notary Public, personally appeared before me Janice Hildreth 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 she executed the same.

Notary Public for Idaho

Residing at: *Boise, Idaho*

My Commission expires: 11/6/04





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

May 2, 2002

GARY GREENWELL
8580 STEWART RD
MERIDIAN ID 83642

Re: Application for Water Right No. 63-31479 in the Name of Ted &/or Phyllis Bohlman.

Dear Sir and/or Madam:

Enclosed is copy of the above-referenced application for permit which may be of interest to you. Please review the application 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. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by May 20, 2002.

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

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

MAY 2 1 2002



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

May 2, 2002

TIM & STEPH WELEBIR
8475 STEWART RD
MERIDIAN ID 83642

Re: Application for Water Right No. 63-31479 in the Name of Ted &/or Phyllis Bohlman.

Dear Sir and/or Madam:

Enclosed is copy of the above-referenced application for permit which may be of interest to you. Please review the application and submit any comments you may have.

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

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

SEP 23 2002



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

May 2, 2002

RON ARCHULETA
8200 STEWART RD
MERIDIAN ID 83642

Re: Application for Water Right No. 63-31479 in the Name of Ted &/or Phyllis Bohlman.

Dear Sir and/or Madam:

Enclosed is copy of the above-referenced application for permit which may be of interest to you. Please review the application and submit any comments you may have.

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

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

JUN 13 2002



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

April 24, 2002

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Transfer No. 69750
Water Right No(s). 63-9156 and
Water right Nos. 63-31479 and 63-31480

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 05/20/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED

APR 25 2002

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

63-31479

TED BOHLMAN
8820 STEWART RD
MERIDIAN ID 83642
PHYLLIS BOHLMAN
8820 STEWART RD
MERIDIAN ID 83642

Point(s) of Diversion SWNE S9 T02N R01E ADA County Source GROUND WATER

Point(s) of Diversion NWSE S9 T02N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.3 CFS

Total Diversion: 0.3 CFS

Date Filed: 04/23/2002

Place Of Use: IRRIGATION

T02N R01E S9 NWSE

Number of Acres 15

Remark: Applicant agrees to mitigate consumptive use in the future as needed.
Development completed by November 1987.
Water bearing zone to be appropriated is from 100 to 250 feet.

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

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KARL J DREHER, Director

Published in the Idaho Statesman on May 2 and 9, 2002.

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SEP 23 2002