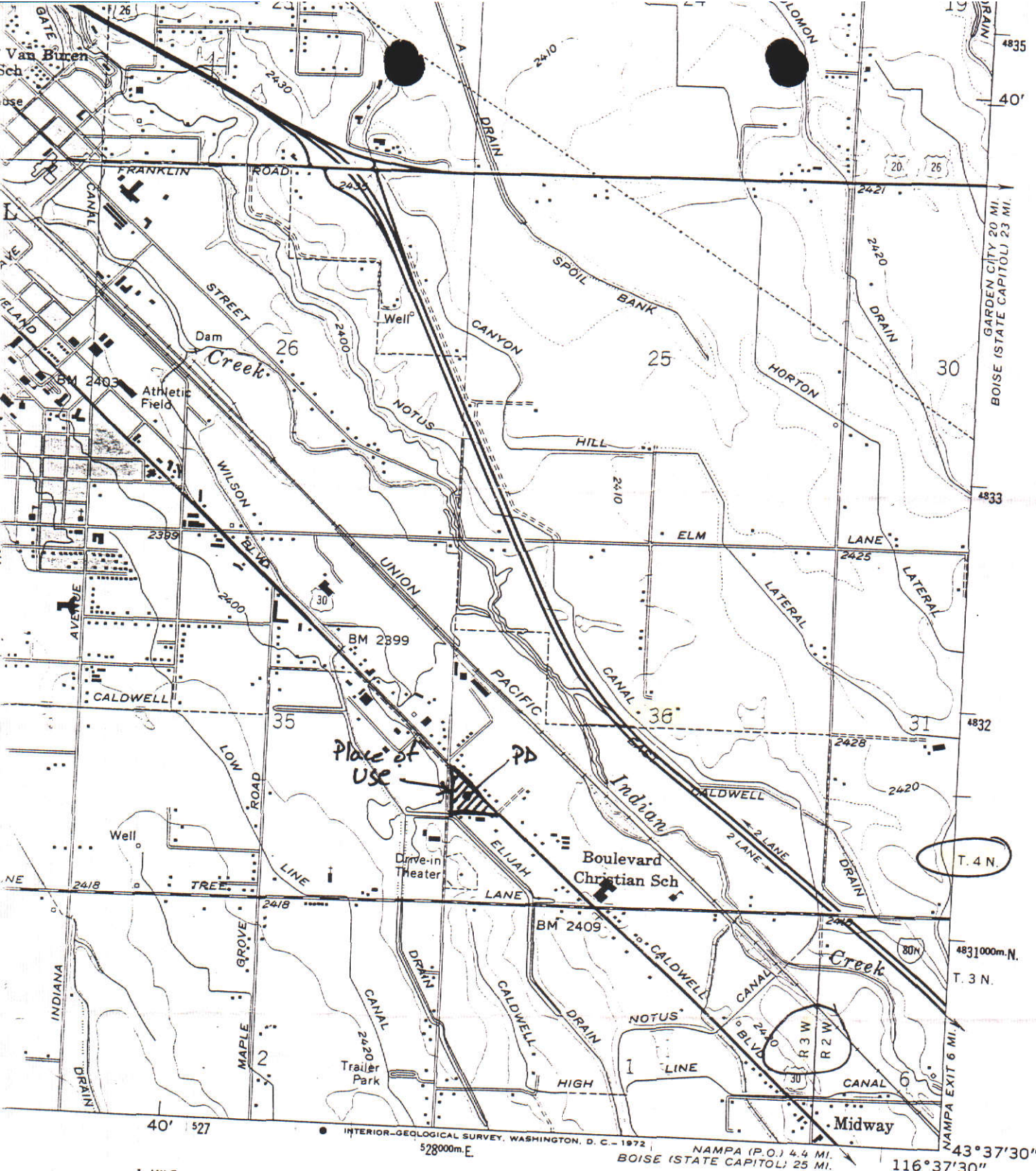




*No gov't lots
-FL 8/6/01*

QUADRANGLE LOCATION **MICROFILMED**
FEB 04 2002

CALDWELL, IDAHO
N4337.5—W11637.5/7.5

1958
PHOTOREVISED 1971
AMS 2671 II NW—SERIES V893

63-31277

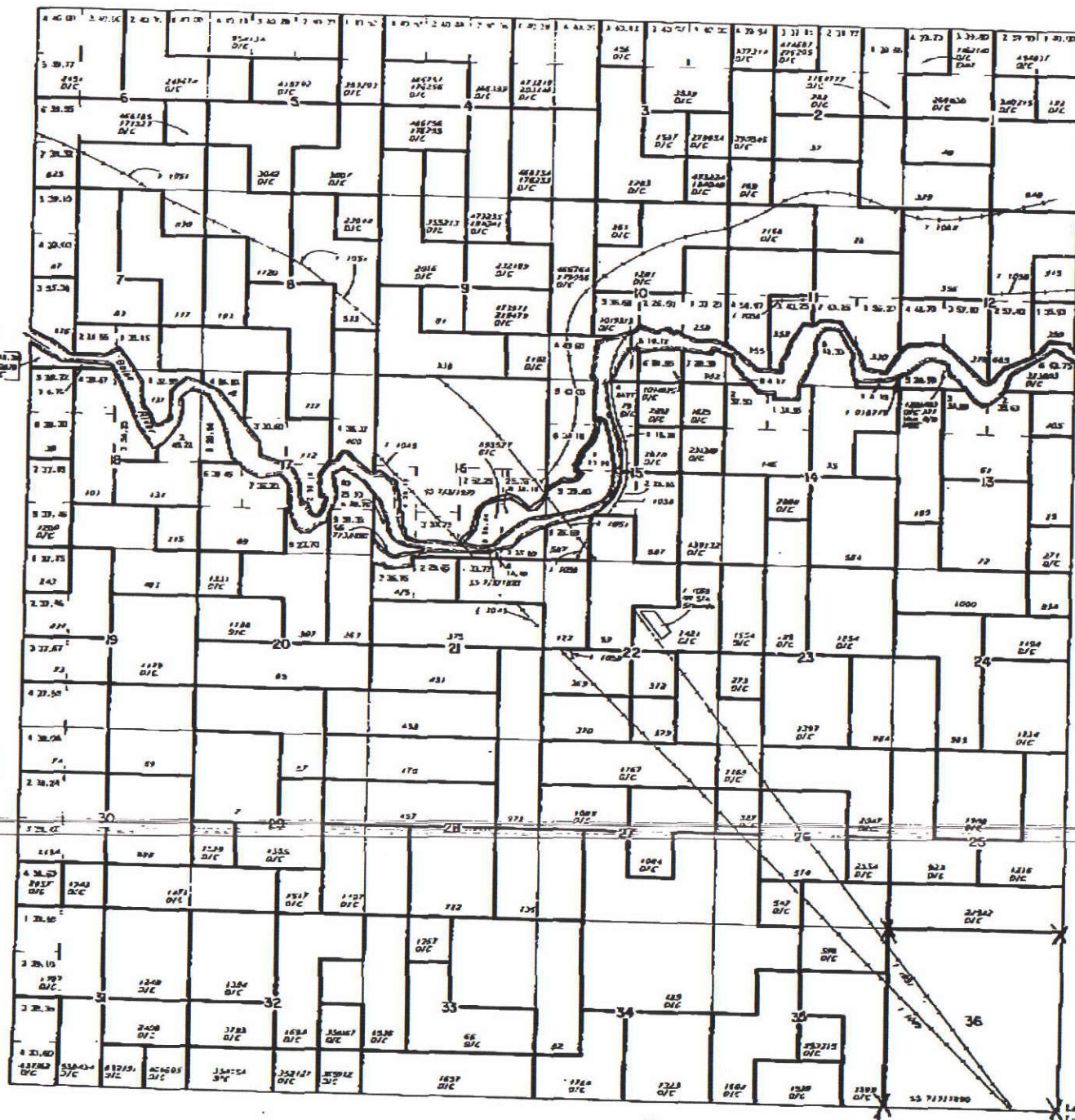
WASHINGTON, D. C. 20242
REQUEST

[illegible][illegible]

1 - CURRENT PD	CURRENT YD
USE PLAYS: OG	

T 4M
R 3W

MICROFILMED
FEB 04 2002

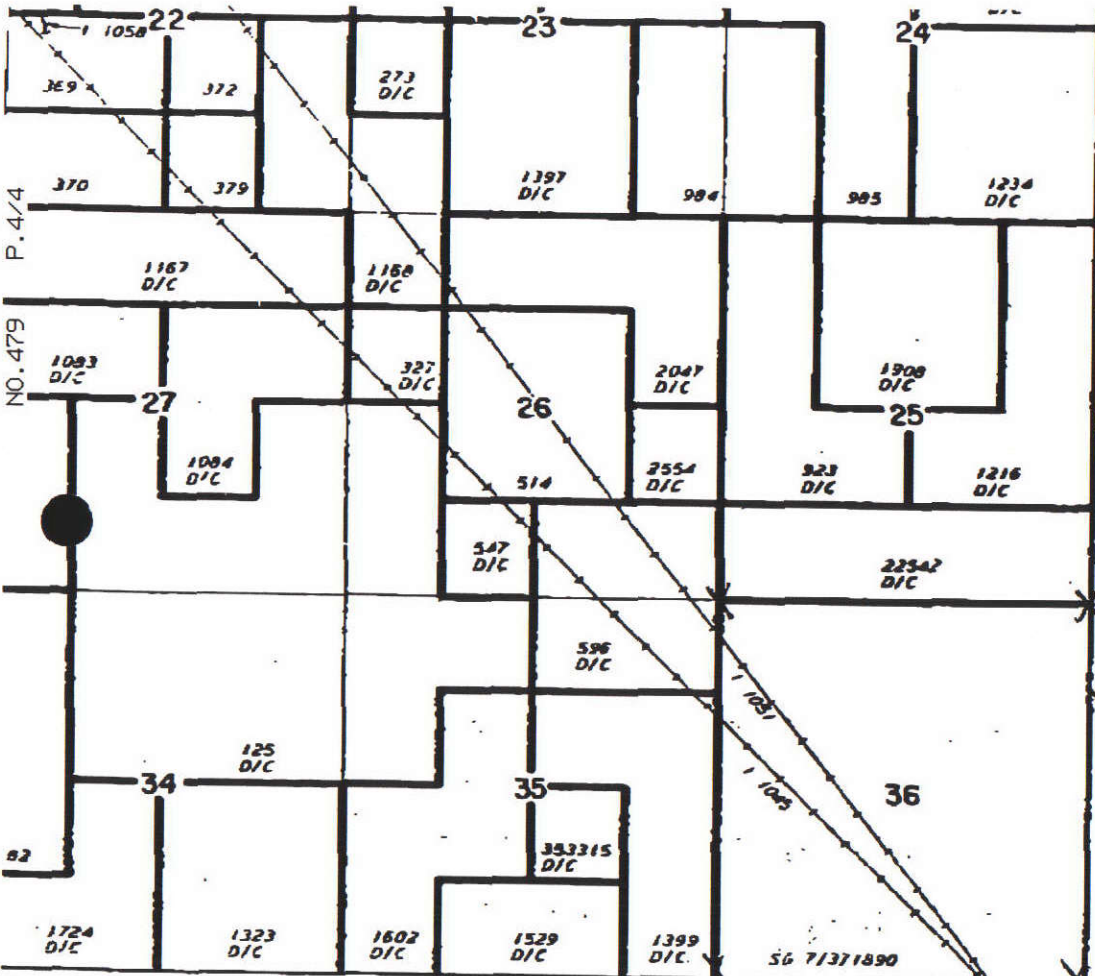


SELENO

070 00 20 30

CHALLENGE STATEMENT
The plan is the Bureau's Board of Tally, and should be used only as a graphic display of the township survey data. Records Bureau do not collect tide changes which may have been affected by Bureau measurements of 1972 or after leading to an

Lat. $43^{\circ} 25' N$
Long. $115^{\circ} 25' W$



T04N
R03W
S36

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO

USE PLATS: OG

Lat. 43°39' N
Long. 116°35' W

WARNING STATEMENT

This plot is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records herein do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

Base Mer
T. 4N
R. 3W

MICROFILMED

FEB 04 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31277

Priority: 06/04/2001

Maximum Diversion Rate: 0.08 CFS

This is to certify, that OVERLAND ENTERPRISES INC
ATTN LYNN PETERSON
PO BOX 590
OGDEN UT 84401

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	0.04 CFS
COMMERCIAL	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, Twp 04N, Rge 03W, B.M. CANYON 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	
04N	03W	36																	.5

Total Acres: 0.5

PLACE OF USE: COMMERCIAL, same as Irrigation

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before December 1, 2006.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. As mitigation for consumptive use of water under this right, the applicant shall maintain water retention beds to capture runoff from 2.5 acres and cause it to seep into the ground. If the water retention beds are removed at some point in the future, the applicant shall cease diverting water under this right or shall provide an alternate means of mitigation acceptable to the department.
8. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
9. Commercial use is for car washing at a car sales lot.
10. Water bearing zone to be appropriated is 20 to 100 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 7th day of December, 2001.

MICROFILMED

Karl J Dreher
for KARL J DREHER, Director

Ident. No. 63-31277

RECEIVED

JUN 04 2001

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

NOV 21 2001

1. Name of Applicant Overland Enterprises, Inc. Attn: Lynn Peterson Phone 801-621-5663
Mailing address P.O. Box 590, 2805 Washington Boulevard, Ogden, UT 84401
2. Source of water supply ground water which is a tributary of NA
3. Location of point of diversion is Township 4N Range 3W Sec. 36 in the SW 1/4.
NW 1/4, SW 1/4, Govt. Lot , B.M., Canyon County;
additional points of diversion if any:
4. Water will be used for the following purposes:
- | | |
|--|---|
| Amount <u>0.04</u> for <u>irrigation</u> | purposes from <u>3/1</u> to <u>11/15</u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount <u>0.04</u> for <u>commercial</u> | purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount <u> </u> for <u> </u> | purposes from <u> </u> to <u> </u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount <u> </u> for <u> </u> | purposes from <u> </u> to <u> </u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount <u> </u> for <u> </u> | purposes from <u> </u> to <u> </u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount <u> </u> for <u> </u> | purposes from <u> </u> to <u> </u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
5. Total quantity to be appropriated is (a) 0.08 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 well with electric
submersible pump
- b. Height of storage dam feet; active reservoir capacity acre-feet; total
reservoir capacity acre-feet
- c. Proposed well diameter is 6 inches; proposed depth of well is 100 feet
- d. Is ground water with a temperature of greater than 85°F being sought? no
- e. If well is already drilled, when? ; Drilling firm ;
Well was drilled for (well owner) ; Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is 5 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. commercial use is for car washing at car sale lot

MICROFILMED

SEP 11 2002

9. Description of place of use:

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

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

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	3W	36									0.5								0.5
4N	3W	36									C								

Total number of acres to be irrigated 0.5

10. Describe any other water rights used for the same purposes as described above. _____

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: Applicant proposes using groundwater for landscape irrigation and car washing at a car sales lot. Water-bearing zone to be appropriated is 20 to 100 feet. See attached mitigation calculations.

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.

MICROFILMED

FEB 9 4 2002

F. Lynn Peterson V.P.
Signature of Applicant (and title, if applicable)

Received by AK Date 8/6/4/01 Time 11:13 Preliminary check by SL
 Fee \$ 1000 Receipted by AK # 10027853 Date 6/14/01
 Publication prepared by AK Date 8-16-24-01 Published in PRESS TRIBUNE
 Publication approved AK Date 9-5-01

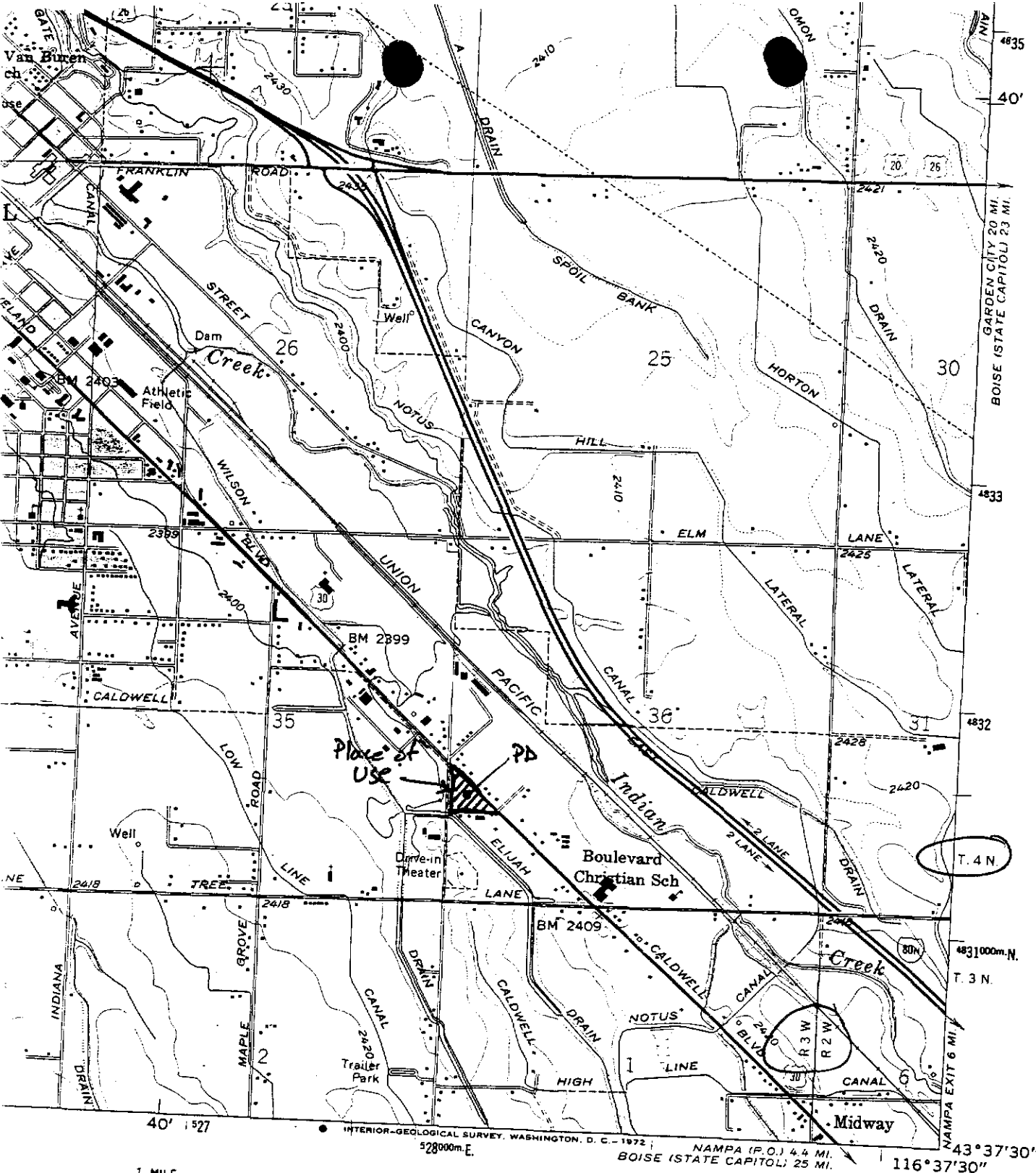
Mitigation Calculations

1. Project site area – 2.57 acres
2. Irrigated area – 0.41 acres
3. Impervious area on site draining to seepage beds – 2.16 acres
4. Impervious area on Lake Avenue frontage draining to seepage beds – 0.39 acres
5. Total impervious (pavement and roof) area – 2.55 acres
6. Annual precipitation in Caldwell – 10 inches
7. Total precipitation on impervious area – 2.125 acre feet
8. Estimated portion of precipitation reaching seepage beds for infiltration – 75 percent
9. Estimated precipitation infiltrating to groundwater from seepage beds – 1.59 acre feet
10. *Estimated consumptive irrigation requirement for landscape – 2.5 acre feet per acre*
11. Consumptive irrigation requirement for 0.41 acres of landscape – 1.03 acre feet
12. Commercial use (car washing) – 500 gpd
13. Estimated portion of commercial use reaching seepage beds for infiltration – 75 percent
14. Estimated commercial consumption (car washing) – 125 gpd or 0.14 acre feet annually
15. Net recharge (total recharge – consumption) – 0.42 acre feet

The consumptive uses associated with this application for permit will be fully mitigated through groundwater recharge. Recharge will take place through five underground seepage beds with a total area of 18,500 square feet. Incident precipitation and runoff from car washing will enter the seepage beds and provide recharge to the groundwater. Depth to groundwater beneath the site is approximately 10 feet.

MICROFILMED
FEB 24 2002

63-31277



1 MILE
7000 FEET
KILOMETER

NO gov't lots
-FL 8/6/09

QUADRANGLE LOCATION MICROFILMED

WASHINGTON, D. C. 20242
REQUEST

63-31277

ROAD CLASSIFICATION
Heavy-duty _____ Light-duty _____
Medium-duty _____ Unimproved dirt _____
U. S. Route State Route
Interstate Route

CALDWELL, IDAHO
N4337.5—W11637.5/7.5

1958
PHOTOREVISED 1971
AMS 2671 II NW—SERIES V893



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

December 10, 2001

OVERLAND ENTERPRISES INC
ATTN LYNN PETERSON
PO BOX 590
OGDEN UT 84401

RE: Permit No. 63-31277

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

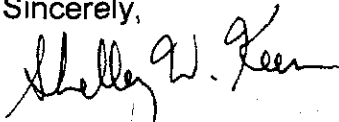
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened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

MICROFILMED
DEC 14 2002

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:kit

Enclosure(s)

MICROFILMED

PER 9 4 2002

CERTIFICATE OF MAILING

I hereby certify that on December 10, 2001 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. 63-31277

**OVERLAND ENTERPRISES INC
ATTN LYNN PETERSON
PO BOX 590
OGDEN UT 84401**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
FEB 6 4 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.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS
Reviewed by Sharla Curtis on 12/5/01

No. 63-31277 Name: Overland Ent. Corp. Officers ☒ Ad ok ☒ Govt Lots

AREA OF CONCERN: No/Yes IV Moratorium GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

~~WMD~~

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121

Trust - 051 (consumptive uses)
Non-Trust - 048 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

WD - R04 (WD#)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WD

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area - 022,075
Irr., GW supp to SW - 102
Future needs - 007,109
FISH PROP - 029 (70's only)-007-042-106

DOMESTIC

Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
i.e. D/convenience store)

BENEFICIAL USE DUE: 12/01/2006

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON 3/1 - 11/15 (Per updated map)

IRR VOLUME/ACRE 4.5

OTHER CONDITIONS/REMARKS

C/Car washing @ car sales lot.

COMMENTS

WB zone 20-100 ft.

Per Archview id ownership, lands are private owned, not plate as indicated by BLM.

IDEO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: RL DATE: 8/6/01 APPLICATION: 63-31277

REQUIRED INFORMATION

☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
☒ Address:
☒ Source: (See USGS Quad for names of water sources)
☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
☒ County:
☒ Quantity: (flow and/or volume)
☒ Period of use:
☒ Nature of proposed use: (Include description of use)
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated:
☒ Map: (show T, R, S, QQ &/or QQQ)
☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Correct fee paid

RECEIVED

Gov't. Lots:

NOV 21 2001

N P/D
P/U

Y

ADVERTISE REMARK(S)

(Reviewer identify which remarks)

ADDITIONAL INFORMATION

YES NO

☐ ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
☐ ☒ Overlapping point of diversion. *> None for proposed source/uses. Per consultant, site in Pioneer Imp. Dist. but not feasible*
☐ ☒ Critical groundwater area: *supplier for this development.*
☐ ☒ Groundwater management area:
☒ ☒ 1992 moratorium: *OK per mitigation plan*
☐ ☒ 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.
N/A ☐ 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

Corporate officers

Date Requested

8/6/01 (CALL)

Date Response Received

8/27/01 (FAX)

* consultant's 5/30/01 letter plus application "mitigation calculations" act as "request to process" form where mitigates now for cons. use.

PROCESSING

APP. NO.

63-31277

YES NO

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

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

YES NO

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

YES NO

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

FINAL REGIONAL PROCESSING REVIEW:

YES NO

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

☒ ☐ Publication dates and paper recorded on application:

☐ ☒ Final date for protest 9-4-01

☐ ☒ Protests received.

☐ ☐ Recommendations attached:

☐ ☐ Measuring device required:

☐ ☐ Water delivered by water master? District # _____

☐ ☐ Special conditions of approval or cover letter:

do not sell/lease surface water from plan (unusable shares per Applicant)

See below for additional information

Recommended Date or Priority if approval: 6-4-2001

Recommended by: E Date: 11/28/01

ADDITIONAL INFORMATION:

Mitigation plan presented at S.O., Region directed to process based on plan. See division admin. for more details if necessary.... plan "paves new ground" in the mitigation conversation if the bad plan can be excused. I'd prefer to deny this one unless a better mitigation plan is proposed.
~~See attached proof report.~~

AFFIDAVIT OF PUBLICATION RECEIVED
STATE OF IDAHO) AUG 28 2001
County of Canyon) SS. WATER RESOURCES
WESTERN REGION

Rebecca L. Thompson
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:
08/16/2001,08/24/2001

e0100285 01504703
1 Idaho Dept. of Water Resource
2735 Airport Way
BOISE ID 83705

LEGAL NOTICE

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

63-31277
OVERLAND ENTERPRISES
ATTN LYNN PETERSON
PO BOX 590
OGDEN UT 84401

Point(s) of Diversion
SWNWSW
S36 T04N R03W
CANYON County

Source GROUND WATER
Use: IRRIGATION

03/01 To 11/15 0.04 CFS

Use: COMMERCIAL
01/01 To 12/31 0.04 CFS

Total Diversion: 0.08 CFS

Date Filed: 06/04/2001

Place Of Use: IRRIGATION
T04N R03W S36
NWSW

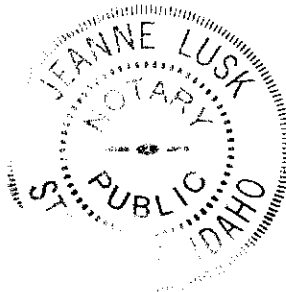
Number of Acres 0.5
Place Of Use: COMMERCIAL
T04N R03W S36
NWSW

Remark: Mitigation is proposed for consumptive use. Water bearing zone to be appropriated is from 20 to 100 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 09/04/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
August 16, 24, 2001. 01504703



MICROFILMED

STATE OF IDAHO)
County of Canyon)

On the 24th day of August in the year of 2001 before me, a Notary Public, personally appeared Rebecca L. Thompson, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Notary Public for Idaho
Residing at Nampa
My commission expires June 21, 2003

SL
Lester, Steve

From: TMSANLAN@aol.com
Sent: Monday, August 27, 2001 6:04 PM
To: slester@idwr.state.id.us
Subject: Overland Enterprises

Steve -

Corporate Officers for Overland Enterprises are

President - Jerry H. Petersen
Vice President - Kathy S. Petersen
Secretary - Claudia Allred
Treasurer - Douglas R. Hurst

Please let me know if you need any further information.

Terry

Also Vice President - Lynn Peterson (per original appl. info)

Officers/ Data entered 8/30/01
-SL

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SEP 5 6 2002

1

63-31277

FAX

August 20, 2001

TO: Gary Spackman - IDWR - Western Regional Office
Fax # (208) 334-2348

FROM: Lin Buck - BLM - Idaho State Office
Fax # (208) 373-3805

RE: Application for Permit No. 63-31277 for Overland Enterprises,
Inc.

Hi Gary:

Our office reviewed the above water right application for permit from the IDWR New Water Rights Filing Report dated 08-13-2001 (copy attached).

The MTP (copy attached) shows:

POD: T04N R03W S36 SWNWSW as State land.
POU: T04N R03W S36 SWNW as State land.

BLM does not have a problem with this claim. We are providing this for your information.

Thank you.

Have a nice day!!

MICROFILMED

AUG 20 2001

RECEIVED

AUG 20 2001

WATER RESOURCES
WESTERN REGION

AUG.20.2001 1:39PM

NO.479 P.2/4

<http://www.idwr.state.id.us/info/water/rights/perweek1.tx>

IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS
DATE: 08/13/01

Application for Permit No. 63-31277

Name: OVERLAND ENTERPRISES INC

Diversion Pt SWNWSW Sec 36 T 04N R 03W CANYON County Source GROUND
Use: IRRIGATION 03/01 To 11/15 0.04 CFS
Use: COMMERCIAL 01/01 To 12/31 0.04 CFS

Total Diversion: 0.08 CFS

Date Filed: 06/04/2001

Place Of Use: IRRIGATION
T04N R03W S36 NWSW

Number of Acres 0.5

Place Of Use: COMMERCIAL, same as Irrigation

Remarks: Mitigation is proposed for consumptive use.
Water bearing zone to be appropriated is from 20 to 100 feet.

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SEP 14 2002

1/2 MILE WEST OF THE BOISE MERIDIAN, IDAHO
CANYON COUNTY 027
SCHOOL DISTRICT SEC. 3

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

[illegible]

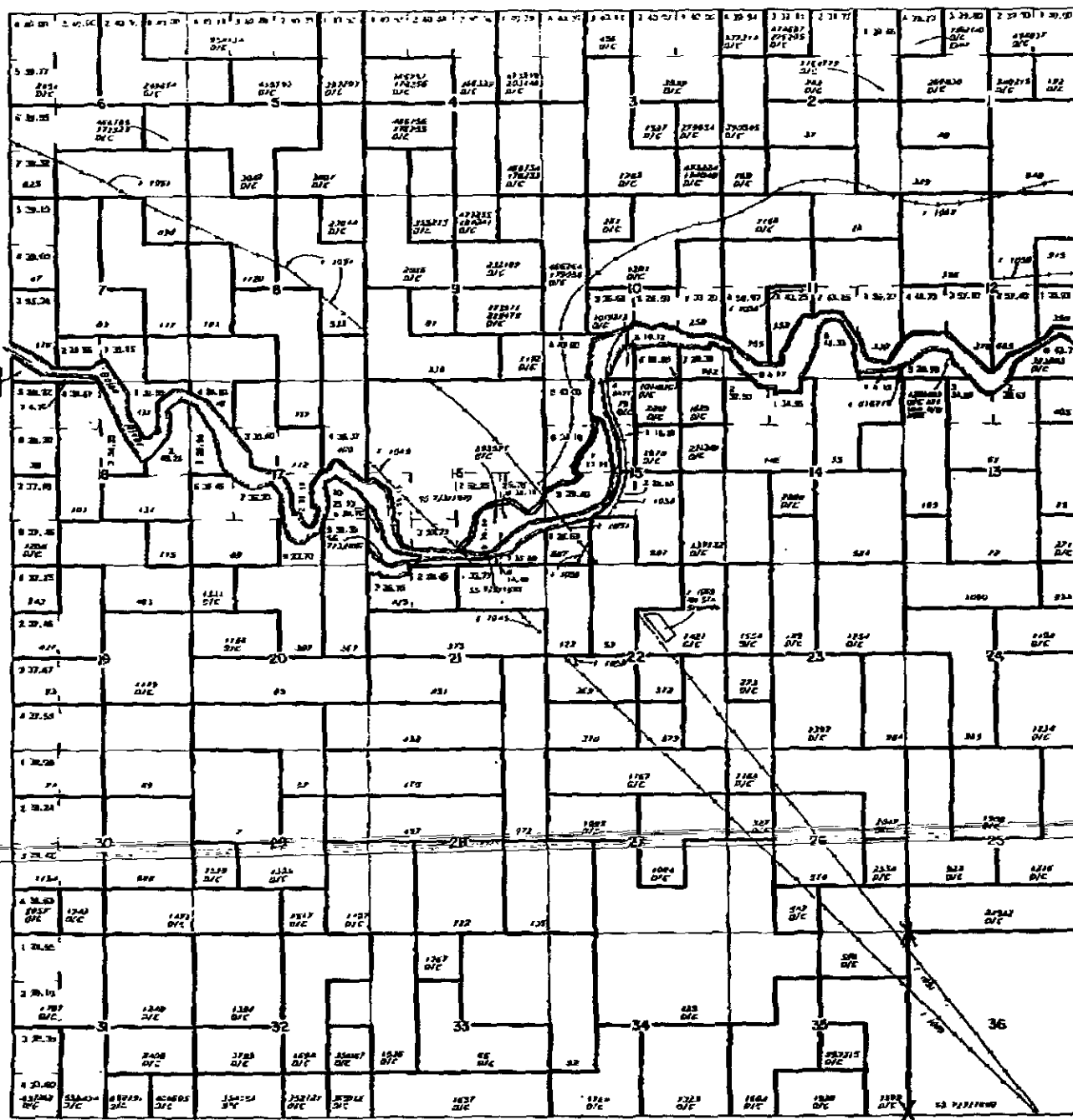
B (2/28) also Canyon Irrigation Dist
fact of camp 8/1/1915) already land as
Sec 1,2

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FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO
NEW PLAYS: 00	

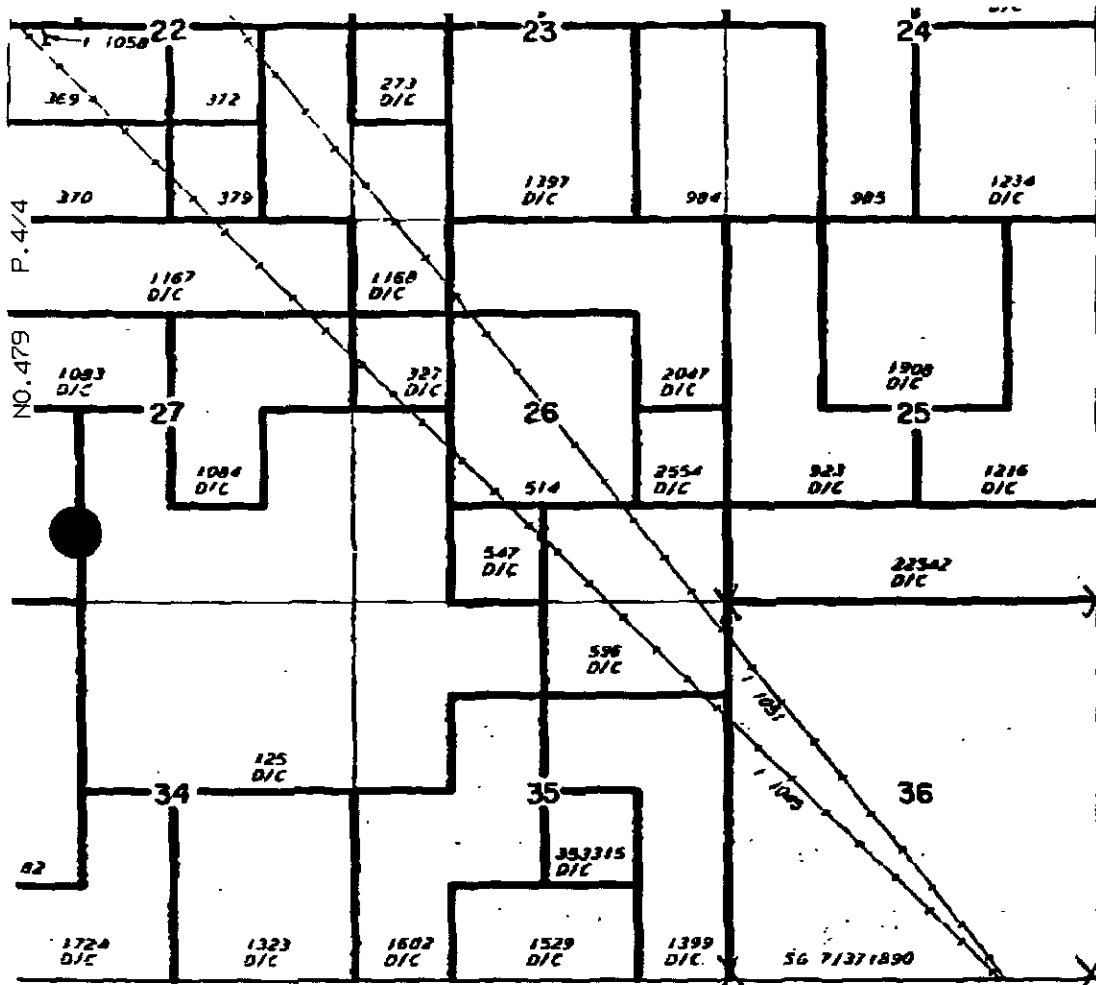
Price: \$4.95
T. 40
R. 3M



SCALE of Distress

Figure 1

DECLARATION
The sign is the Bureau's Record of Title, and should be used only as a general display of the mortgage survey data. It should not be used to indicate title changes which are a part of the title insurance policy.



T04N
R03W
S36

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO
USE PLATS: OG	

Lat. 43°39' N
Long. 116°35' W

WARNING STATEMENT
This plat is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records herein do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

Boise Mer

T. 4N

R. 3W

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SEP 19 2002

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

May 30, 2001

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

Subject: Application for Permit – Overland Enterprises (Hertz Car Sales)

Dear Gary:

On behalf of Overland Enterprises, enclosed please find an application for permit for a water right at the Hertz Car Sales lot in Caldwell. The application proposes irrigation and commercial uses using groundwater diverted from an on-site well. The irrigated area will be approximately 0.41 acres. The commercial use will be car washing at an estimated average volume of 500 gallons per day.

Overland Enterprises is aware of the administrative hold on new water rights for consumptive uses of groundwater in the Boise River Basin. However, Overland Enterprises requests that this application be processed because the consumptive use is fully mitigated. Mitigation is accomplished through on-site groundwater recharge of incident precipitation through seepage beds. The seepage beds will collect runoff from 2.55 acres of impervious area (pavement and roof areas) created by the project. Assuming that 75 percent of the 10 inches of annual precipitation enters the seepage beds, the annual recharge volume will be 1.59 acre feet. The annual consumptive irrigation requirement for 0.41 acres of landscape should be approximately *1.03 acre feet (assuming 2.5 acre feet per acre). Therefore, all of the consumptive irrigation use will be mitigated. The remaining 0.56 acre feet of recharge will provide mitigation for any miscellaneous consumption associated with car washing.

The proposed well will be approximately 100 feet deep. Overland Enterprises plans to drill the well immediately under a domestic exemption, and will limit daily production to 2500 gallons or less until an approved permit is obtained. Upon approval of the application for permit, Overland Enterprises will upgrade the drilling permit for irrigation.

Please contact me with any questions.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Cc: Don Fredrickson

MICROFILMED

JUN 04 2001

* 3.5 Afa/ac. per Iowa standards.
.41 ac. x 3.5 Afa/ac = 1.44 Afa

but if dept. prepared to accept this mitigation
concept from precip/recharge, why quibble over
numbers? -sc 8/6/01

August 08, 2001

Legal Notice Department

Press-Tribune

PO Box 9399

Nampa ID 83652

RE: Application for Permit No. 63-31277

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 09/04/2001. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED

SEP 04 2001

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

63-31277

OVERLAND ENTERPRISES INC
ATTN LYNN PETERSON
PO BOX 590
OGDEN UT 84401

Point(s) of Diversion SWNWSW S36 T04N R03W CANYON County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.04 CFS

Use: COMMERCIAL 01/01 To 12/31 0.04 CFS

Total Diversion: 0.08 CFS

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Place Of Use: IRRIGATION

T04N R03W S36 NWSW

Number of Acres 0.5

Place Of Use: COMMERCIAL

T04N R03W S36 NWSW

Remark: Mitigation is proposed for consumptive use.
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KARL J DREHER, Director

Published on August 16 and 24, 2001.

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APR 9 4 2002