

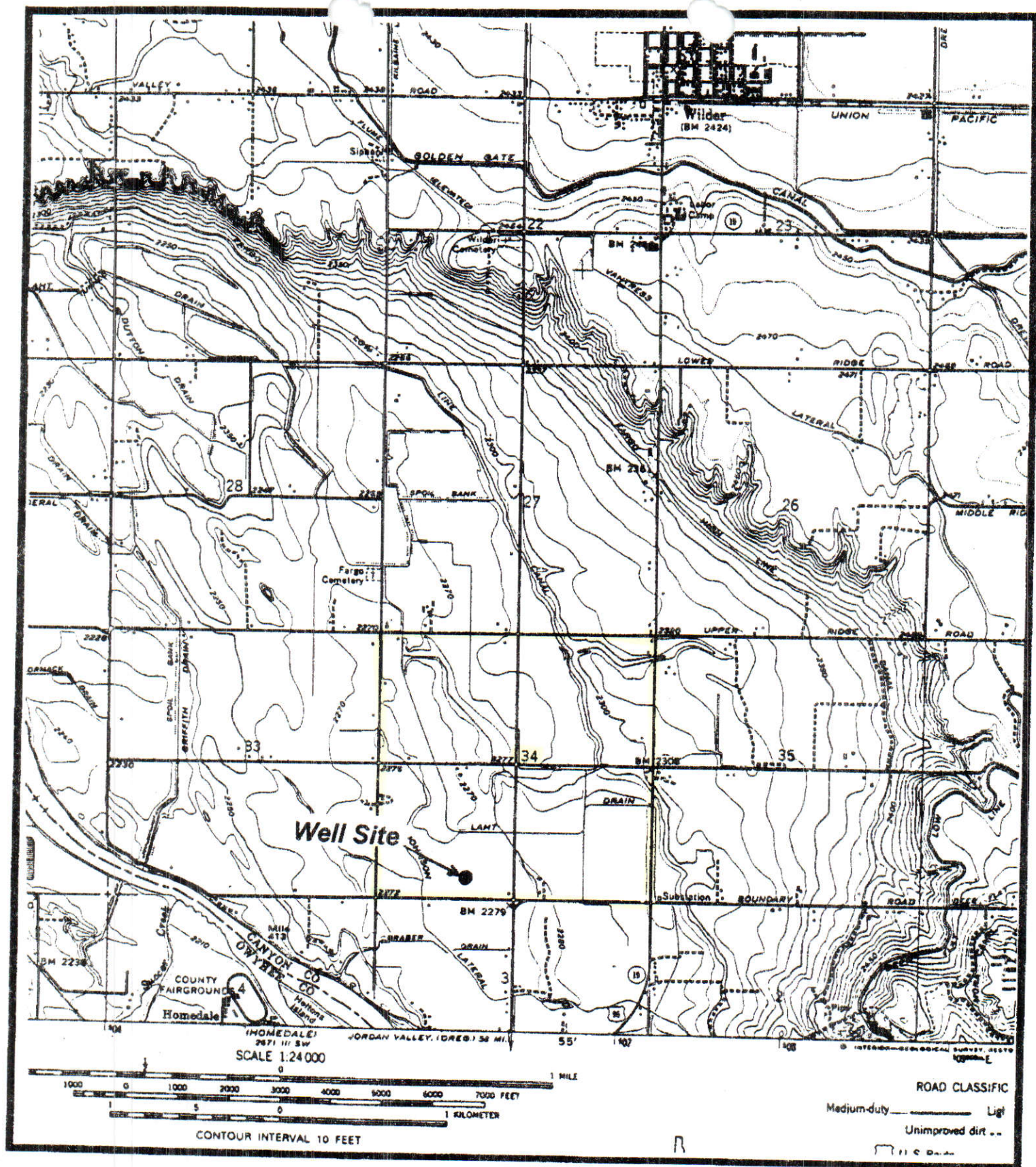


FIGURE 1 - PROJECT LOCATION MAP

4N 5W 5.34 SE5W

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SEP 19 2001

no gov't lot - R 5/29/01

63-31235

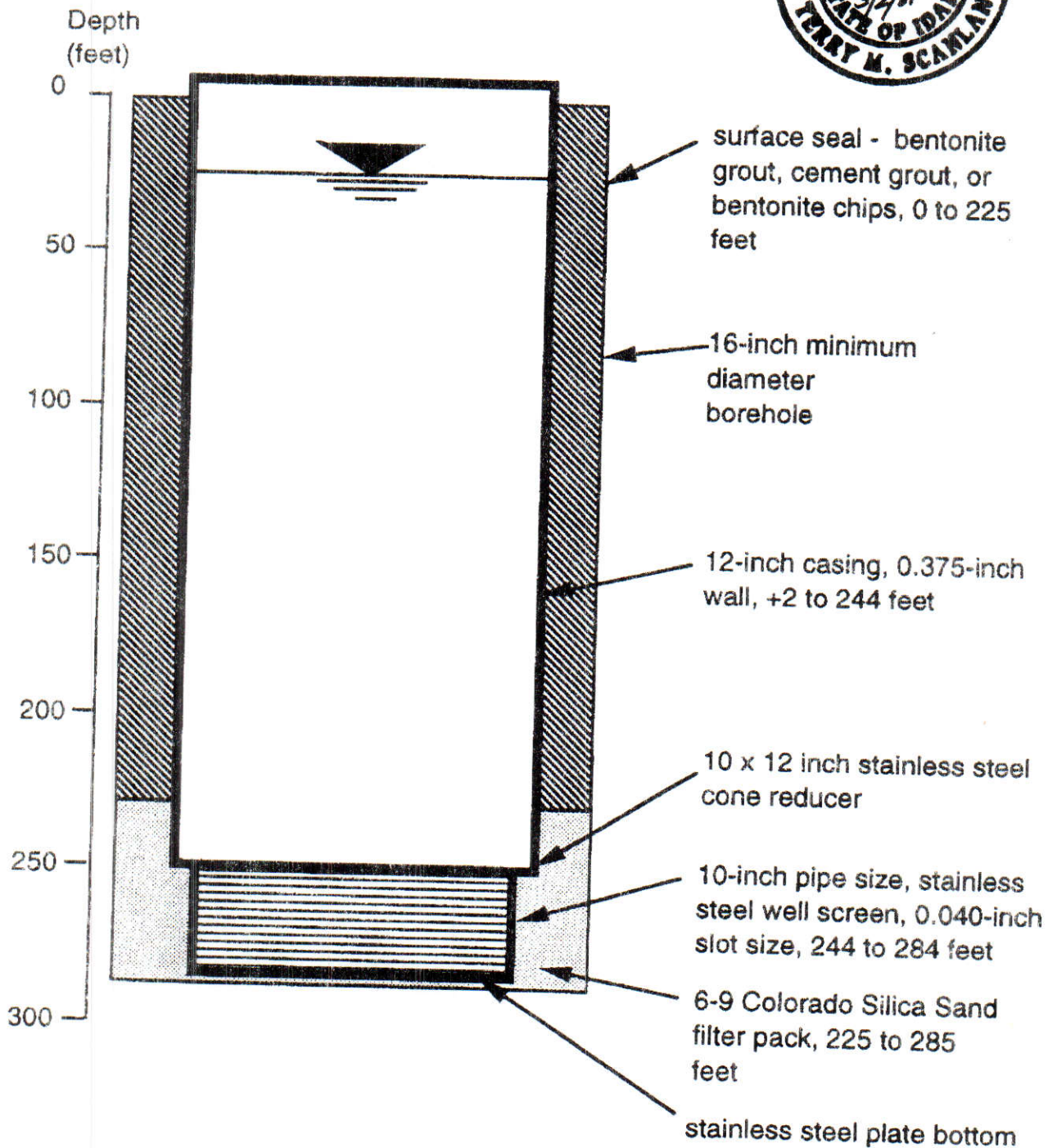


FIGURE 2 - HOMEDALE MUNICIPAL SUPPLY WELL SCHEMATIC

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63-31235

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

PATRICIA D. ADMIRE
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 LEGAL Clerk of the Idaho Press-Tribune, a
daily newspaper published in the City of Nampa and Caldwell,
in the County of Canyon, State of Idaho; that the said
newspaper is in general circulation in the said County of
Canyon, and in the vicinity of Nampa and Caldwell, and has
been uninterruptedly published in said County during a period of
seventy-eight consecutive weeks prior to the first publication of
the notice, a copy of which is hereto attached.

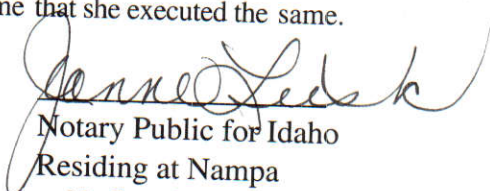
3. That the notice, of which the annexed is a printed copy, was
published in said newspaper two times in the regular and entire
issue of said paper, and was printed in the newspaper proper,
and not in a supplement.

June 7, 14, 2001



STATE OF IDAHO)
County of Canyon)

On this 14th day of June in the year of 2001 before
me a Notary Public, personally appeared Patricia D. Admire,
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
acknowledge to me that she executed the same.



Notary Public for Idaho
Residing at Nampa

My Commission expires June 21st, 2003

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SEP 19 2001

LEGAL NOTICE

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

63-31235

CITY OF HOMEDALE

C/O ROBERT P WALKER P E

PO BOX 757

HOMEDALE ID 83628

Point(s) of Diversion SESW

S34 T04N R05W CANYON County

Source GROUND WATER

Use: MUNICIPAL

01/01 To 12/31 1.67 CFS

Total Diversion: 1.67 CFS

Date Filed: 03/09/2001

Remark: Applicant agrees to miti-
gate consumptive use in the future
as needed for a proposed well in
Canyon County for delivery of mu-
nicipal water to be used within the
service area of Homedale. Water
bearing zone to be appropriated is
from 244 to 285 feet.

Permits will be subject to all prior
water rights. Protests may be sub-
mitted 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 pro-
test fee of \$25.00 for each applica-
tion on or before 06/25/2001. The
protestant must also send a copy of
the protest to the applicant.

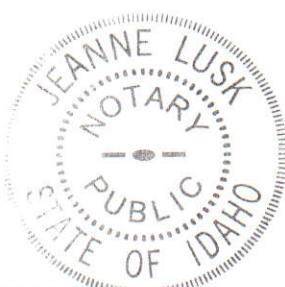
KARL J DREHER, Director
June 7, 14, 2001

4095

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JUN 15 2001

WATER RESOURCES
WESTERN REGION



State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31235

Priority: 03/09/2001

Maximum Diversion Rate: 1.67 CFS

This is to certify, that CITY OF HOMEDALE
PO BOX 757
HOMEDALE ID 83628

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>
MUNICIPAL	01/01 to 12/31	1.67 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34, Twp 04N, Rge 05W, B.M. CANYON County

PLACE OF USE: Within the service area of the City of Homedale

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 1, 2003**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. 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.
6. The issuance of this right does not grant any right-of-way or easement across the land of another.
7. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
8. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows 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.
9. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

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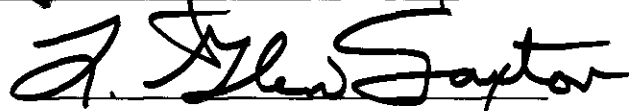
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-31235

CONDITIONS OF APPROVAL

10. Water bearing zone to be appropriated is 244 to 285 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 12th day of July, 2001.


for KARL J DREHER, Director

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SEP 19 2001

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MAR 09 2001

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

- * 1. Name of Applicant CITY OF HOMEDALE Phone (208) 337-4641
Mailing address P.O. BOX 757, HOMEDALE, IDAHO 83628
2. Source of water supply GROUNDWATER which is a tributary of N/A
3. Location of point of diversion is Township 4 N Range 5 W Sec. 34 in the SE 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 1.67 for MUNICIPAL purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
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) 1.67 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 SUBMERSIBLE PUMP
FROM 285' DEEP WELL.
b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
reservoir capacity N/A acre-feet
c. Proposed well diameter is 12 inches; proposed depth of well is 285 feet
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? N/A; 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 2 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. N/A
b. Stockwatering; list number and kind of livestock. N/A
c. Municipal; show name of municipality. HOMEDALE, IDAHO
d. Domestic; show number of households. 772
e. Other; describe fully. N/A

*

ATTN ROBERT P WALKER PE

(per signature blank -82 4/27/01)

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SEP 19 2001

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	
3N	5W	3										M	M						-
3N	5W	4							M		M	M	M	M	M	M	M	M	-
3N	5W	9	M	M		M	M	M							M				-
3N	5W	10					M				M								-

Total number of acres to be irrigated

10. Describe any other water rights used for the same purposes as described above. NO. A-57-07027, A-57-10393, A-63-09260; A-57-07048; 57-07656. TOTAL DIVERSION FROM 5 WELLS = 2.84 cfs.

11. a. Who owns the property at the point of diversion? CITY OF HOMEDALE
 b. Who owns the land to be irrigated or place of use? RESIDENTS OF CITY OF HOMEDALE
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: THIS WATER IS FOR THE MUNICIPAL SYSTEM THAT

12. Remarks: SERVES THE RESIDENTS OF HOMEDALE.

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.

Robert P. Walker, P.E.
 Signature of Applicant (and title, if applicable)
 HOMEDALE CITY ENGINEER

Received by KG Date 3/9/01 Time 3:18 Preliminary check by JZ
 Fee \$ 200.00 Received by KG # W027436 Date 3/9/01
 Publication prepared by AT Date 6-24-14 Published in PRESS TRIBUNE
 Publication approved AT Date 6-26-01

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 SEP 19 2001

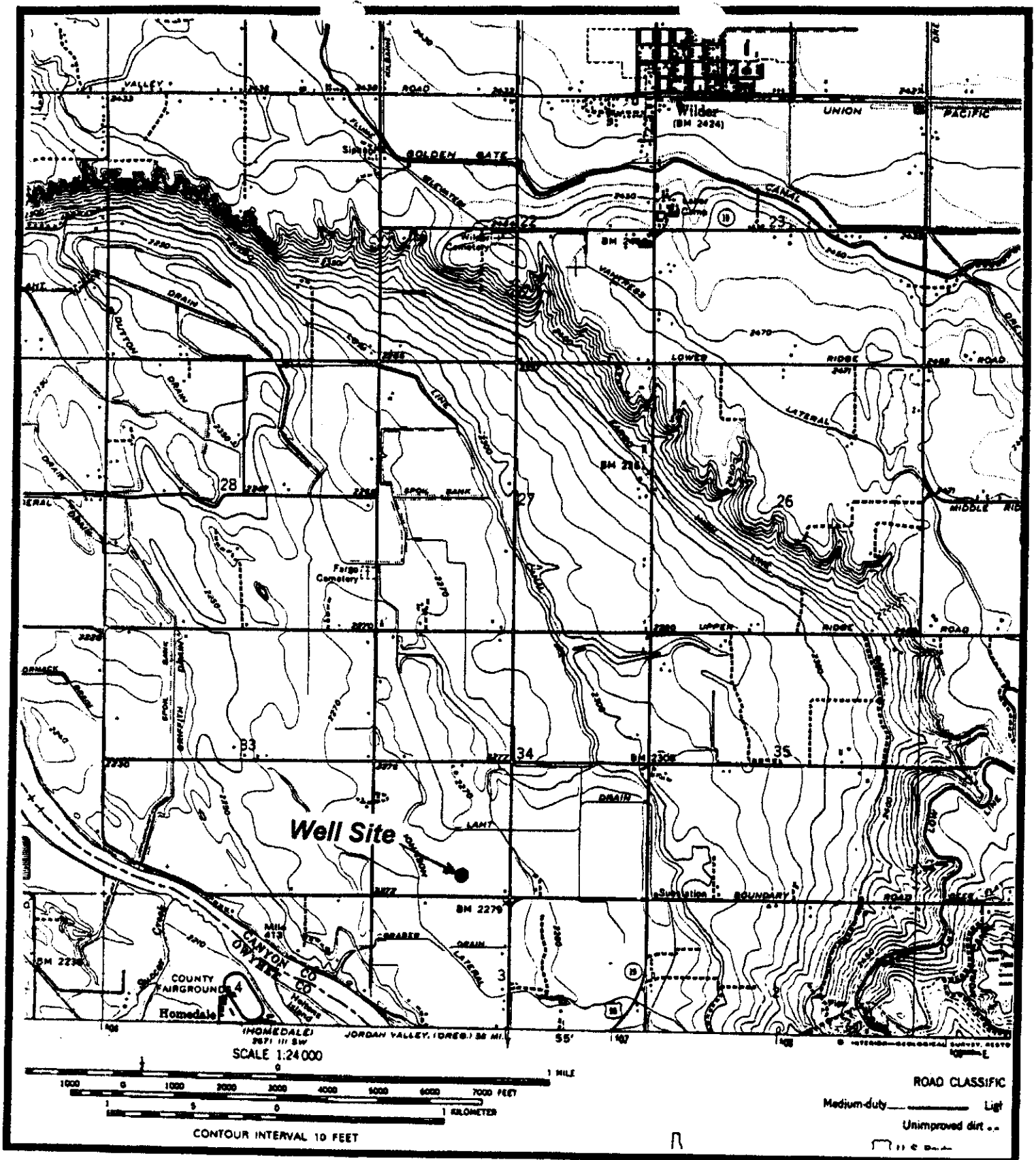


FIGURE 1 - PROJECT LOCATION MAP

4N 5W 5.34 SE5W

MICROFILMED 10/10 -R 5/29/01

SEP 19 2001

63-31235

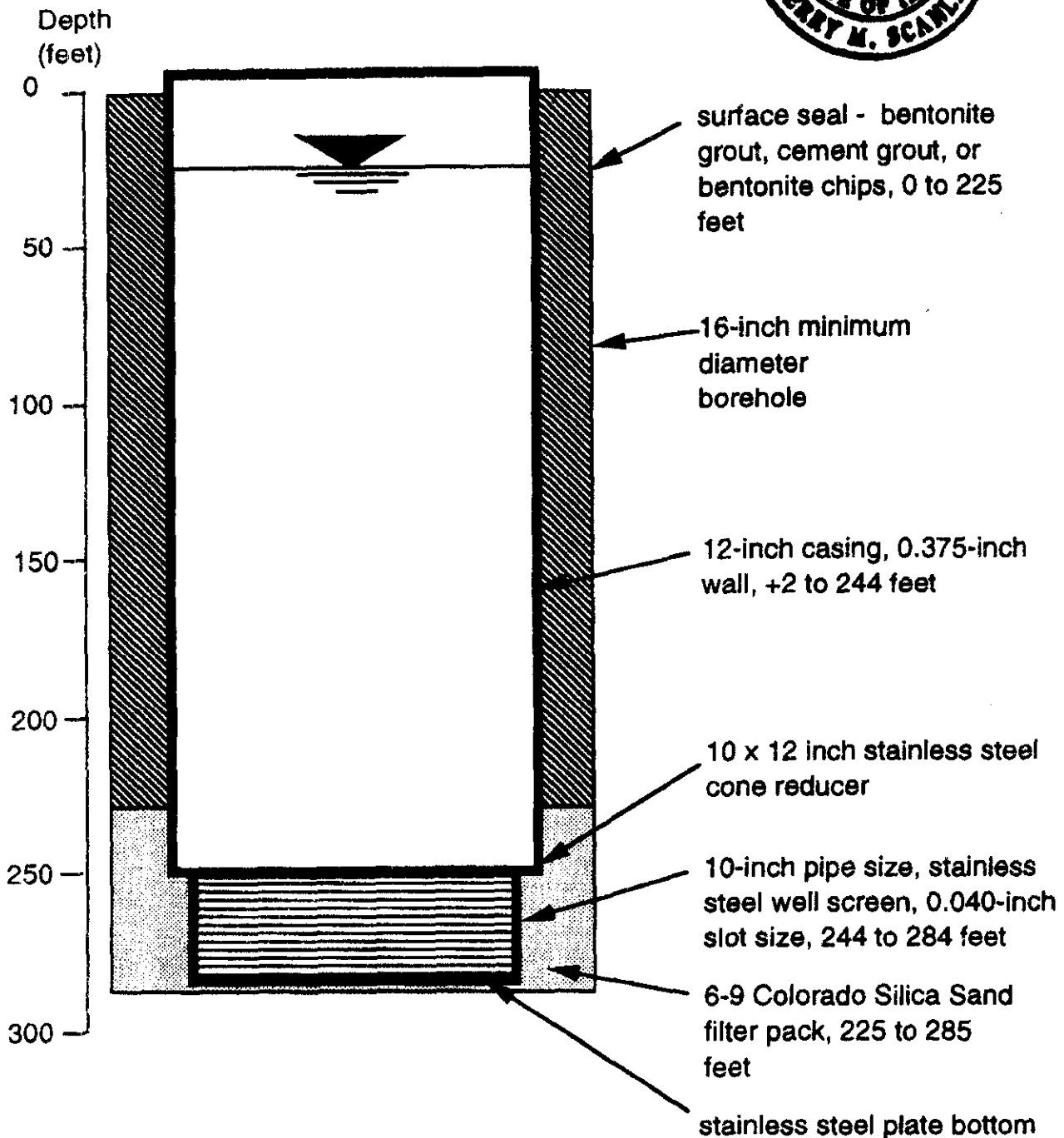


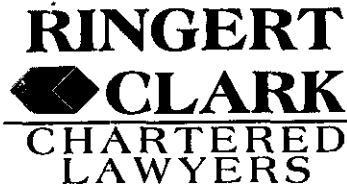
FIGURE 2 - HOMEDALE MUNICIPAL SUPPLY WELL SCHEMATIC

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SEP 19 2001

63- 31235

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APR 26 2002



April 22, 2002

RECEIVED

APR 23 2002

WATER RESOURCES
WESTERN REGION

Department of Water Resources

Laura E. Burri
Jeffrey R. Christenson
D. Blair Clark
Michael J. Doolittle
S. Bryce Farris
Patrick D. Furey
David Hammerquist
Charles L. Honsinger
Joseph B. Jones
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
William F. Ringert
Daniel V. Steenson
Allyn L. Sweeney

Samuel Kaufman (1921-1986)

Canyon County
Development Services Department
1115 Albany Street
Caldwell, ID 83605

Re: 022392L34-4N-5W; Request by the City of Homedale for a Conditional Use
Permit to place a public service facility on 19.57 acres.

Dear Development Services Department,

Please be advised that this law firm represents Jeff and Kristy Marks. The purpose of this letter is to provide written comments on behalf of the Marks to the Development Services Department, Planning and Zoning Commission and Hearing Examiner regarding the above-referenced matter.

The Marks own the property which is adjacent to the City of Homedale's property, and which is the subject of upcoming hearing. The Marks property consists of approximately ninety-five (95) acres. The Marks also have a licensed water right to irrigate such property from a well located on their property (Water Right # 63-08930, priority date of 5/31/1977). The depth of said well is approximately 240 feet.

The purpose of the City of Homedale's request for a Conditional Use Permit is to construct a city well and pump house on the City's property. The City of Homedale is apparently attempting to establish a water right based upon a permit for 1.67 cfs, with a priority date of 3/09/2001 (Water Right Permit # 63-31235). The City's proposed well would pump ground water at a depth of 244 to 285 feet.

The City's well is proposed to be located approximately 800 feet from the Marks' well and will be pumping ground water at the same depth. This pumping will have an adverse impact on the Marks' well and will cause them injury. Idaho law provides that with respect to water users, priority in time is priority in right. This means that a junior water user (a water user with a priority date that is subsequent to an earlier and existing water user), such as the City of Homedale, cannot interfere with the water right of a senior water user, such as the Marks. There is no question that a new well by the City of Homedale 1.67 cfs, and located only 800 feet from the Marks' well, will interfere with the Marks' water right. The Marks are not aware of any documentation, study or evaluation by the City of Homedale which would demonstrate that the City of Homedale's proposed well would not adversely impact and injure their well.

Accordingly, because the County is in a position in which it cannot approve a conditional use permit in which it knows will cause injury to an adjoining landowner, the Marks are requesting that

Development Services Department
April 22, 2002
Page - 2

the County condition its approval of the City's request to require the City to provide assurances that the proposed well will not adversely impact the Marks' well. In order to provide such assurances, the City of Homedale must monitor the ground water levels from which the City proposes to pump from. The City will need to monitor and assure that its use of the new well, especially during the irrigation season in which the Marks use their well (3/15 to 11/15), does not interfere with the Marks use of their well and does not in anyway deplete the aquifer from which Marks pump. Any Conditional Use Permit that the County may approve must provide that the permit will be revoked if the City of Homedale cannot provide the above-referenced assurances.

Thank you for considering these comments. Please contact me if you have any questions.

Yours very truly,

A handwritten signature in black ink, appearing to read "S. Bryce Farris", with a long horizontal flourish extending to the right.

S. Bryce Farris

cc: Jeff and Kristy Marks
Idaho Department of Water Resources



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

July 13, 2001

CITY OF HOMEDALE
PO BOX 757
HOMEDALE ID 83628

RE: Permit No. 63-31235

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

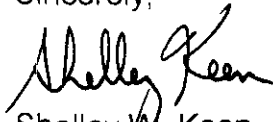
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened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

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SEP 10 2001

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,



Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

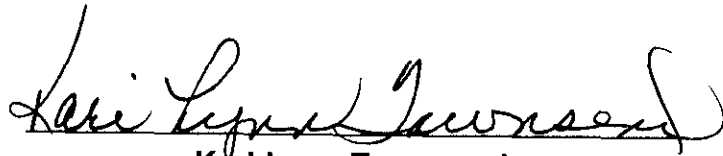
MICROFILMED
SEP 19 2001

CERTIFICATE OF MAILING

I hereby certify that on July 13, 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. 63-31235

CITY OF HOMEDALE
PO BOX 757
HOMEDALE ID 83628

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

Kari Lynn Townsend
Secretary

MICROFILMED

SEP 19 2001

**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 7/10/01

No. 63-31235 Name: City of Homedale Corp. Officers _____ Ad ok ☒ Govt Lots _____

AREA OF CONCERN: No/Yes TVGW Moratorium _____ Study area 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 - 048-049 (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

BENEFICIAL USE DUE: 7/01/2003

MISC CONDITIONS/REMARKS:

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

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) - W22, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W22, 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)

IRRIGATION SEASON _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS

Not future needs

COMMENTS

W/Bearing 244-285 ft

RECEIVED

FROM

Steve Lyster

JUL - 9 2001

DATE

6/13/01

TO

File

Department of Water Resources

SUBJECT

EXPEDITE 63-31235, Homedale

City Eng. Bob Walker called today. Not necessarily a drought problem but city has water quality problems. Proposal well looks very promising & city needs to expedite if possible. Told him we would do everything we can to expedite once 6/25 protest deadline passes.

MICROFILMED

SEP 19 2001



SIGNATURE

JUL - 9 2001

STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

INITIAL REVIEW BY: JK

DATE: 5/29/01

APPLICATION: 63-31235

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

Gov't. Lots:

N P/D
P/U

ADDITIONAL INFORMATION

ADVERTISE REMARK(S)

(Reviewer identify which remarks)

YES NO

- N/A
- Overlapping place of use: (Describe source & relationship to present application on next page.) *- but city has other rights*
- Overlapping point of diversion. *- none for city's use*
- Critical groundwater area:
- Groundwater management area:
- 1992 moratorium: *Bas 63 well site exempt from moratorium for municipal use.*
- 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. *see 5/10/01 letter*
- 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

NOTE Basin 63 well but for use in Basin 57.

Date Requested

Date Response Received

PROCESSING

APP. NO.

-3- 31235

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

NO REPLY
RECEIVED

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

Protests received.

Recommendations attached:

Measuring device required:

Water delivered by water master? District #

Special conditions of approval or cover letter:

Retain surface water use (see Applicant's 5/10/01 letter), well construction requirements,
 No R.O.W./trespass, allow 2 years, future mitigation requirement is possible, plan is
 Service Area. 121,046, must be constructed as a public water supply well

See below for additional information

Recommended Date or Priority

3-9-2001

Recommended by: Gary S

Date: 7/3/01

ADDITIONAL INFORMATION:

See Applicant's 3/9/01 cover letter. Canyon Co. p/d site with
 water to be piped to Homelake.

Service area map ... assume plan chart in application
 is sufficient to make shape file.

See attached Prof Report for review comments.

05/30/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report

WATER RIGHT NO. 63-31235

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF HOMEDALE C/O ROBERT P WALKER P E PO BOX 757 HOMEDALE, ID 83628 (208)337-4641

Priority Date: 03/09/2001
Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
MUNICIPAL	01/01	12/31	1.67 CFS		

Total Diversion 1.67 CFS

Location of Point(s) of Diversion:

GROUND WATER SESW Sec. 34 Township 04N Range 05W CANYON County

Place(s) of use: No POUs found for this right — SEE Legal Notice Remarks for P/U

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
slester	5/30/01 11:14:38 AM	Special Administration Area Notes	Special Administration Areas : Basin 63 Moratorium Exempt: Y Reason: Mitigation Plan Doc Attached: N Explanation: Plan equals municipal use exempted from moratorium considerations
slester	5/30/01	Municipal use	Municipal use from Basin 63 well for use in Basin 57 can be processed without immediate mitigation. Request to Process form attached in file for possible future mitigation. Service area map presumed okay per land listed in P/U chart portion of application.
slester	5/30/01 11:22:32 AM	General Comments/Analysis	See application for list of specific water rights already in place for city municipal use.
slester	5/30/01	Legal Notice Remarks	Applicant agrees to mitigate consumptive use in the future as needed for a proposed well in Canyon County for delivery of municipal water to be used within the service area of Homedale. Water bearing zone to be appropriated is from 244 to 285 feet.

Dates:

Date Application Received:	03/09/2001
Date Application Denied:	
Last Date of Beneficial Use:	
Extension End Date:	
Protest Deadline Date:	
Number of Protests:	0

Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s): W027436
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: See 3-9-01 letter from city engineer about Canyon County well site and pipeline to Homedale.
Other Water Rights: several basin 57 and 1 basin 63 wells for 2.84 cfs, also surface water delivered by Gem Irrigation District within city service area
Time to Complete Works: 2
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:
Cary Act Number:
Mitigation Plan: False



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED

JUN 15 2001

WATER RESOURCES
WESTERN REGION

1445 North Orchard • Boise, Idaho 83706-2239 • (208) 373-0550

Dirk Kempthorne, Governor
C. Stephen Allred, Director

June 8, 2001

Gary Spackman
State of Idaho - Department of Water Resources
Boise Regional Office
PO Box 83720
Boise, Idaho 83706

RE: Application for Water Right No. 63-31235 in the Name of the City of Homedale

Dear Mr. Spackman:

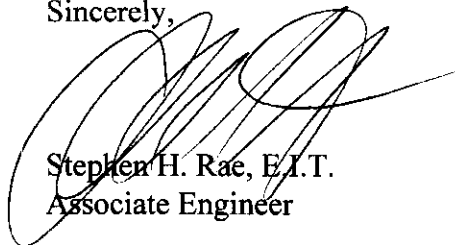
Thank you for the opportunity to respond to your letter dated June 1, 2001. We have the following general comments at this time:

1. **Modifications to Existing Public Drinking Water Systems**

This well will serve an existing public drinking water system. The well, and well house must be designed by a professional engineer registered in the State of Idaho. Plans and specifications must be approved by this office prior to construction.

If you have any questions, please contact me at (208) 373-0162, or via e-mail at srae@deq.state.id.us.

Sincerely,



Stephen H. Rae, E.I.T.
Associate Engineer

cc: Charles W. Ariss, P.E., Regional Manager-Engineering, Boise Regional Office
File 1, Eng, City of Homedale, File 24
Reading File

G:\Engineering\Luke\Comment Letters\AWR No 63-31235--Homedale.doc

MICROFILMED

SEP 13 2001

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

PATRICIA D. ADMIRE

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 LEGAL Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper two times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

June 7, 14, 2001

Patricia D. Admire

STATE OF IDAHO)
County of Canyon)

On this 14th day of June in the year of 2001 before me a Notary Public, personally appeared Patricia D. Admire, 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 acknowledge to me that she executed the same.

Jeanne Lusk
Notary Public for Idaho
Residing at Nampa
My Commission expires June 21st, 2003

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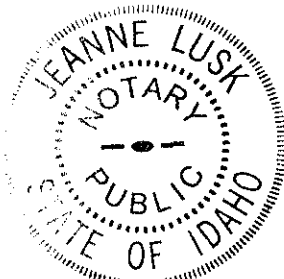
SEP 19 2001

been used to...
waters of the...
CITY OF NAMP...
ON...
POINT(s) of DIVISION...
S34 T04N R00W CANYON County
Source...
Use: Municipal
01/01 To 12/31 1.67 CFS
Total Diversion: 1.67 CFS
Date Filed: 06/09/2001
Remarks: Applicant agrees to miti-
gate consumptive use in the future
as needed for a proposed well in
Canyon County for supply of mu-
nicipal water to be used within the
service area of Nampa. Water
bearing zone to be appropriated is
from 244 to 265 feet.
Permits will be required for new
water rights. Permit shall be re-
mitted based on the amount of 42-
203A, Idaho Code.
Any protest against this amount of
this application must be filed with the
Director, Dept. of Water Resources,
Western Region, 2705 Airport Wy.,
Boise ID 83705 together with a pro-
test fee of \$25.00 for each applica-
tion on or before 06/28/2001. The
applicant must also send a copy of
this application to the Director.
June 7, 2001

RECEIVED

JUN 15 2001

WATER RESOURCES
WESTERN REGION





State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 6-7-01

TO: Lin Buck - BLM

FROM: IDWR

DOCUMENT DESCRIPTION: P/u W.Rt. # 63-31235

TOTAL PAGES SENT: 1 + COVER SHEET

CONTACT: _____

MICROFILMED

SEP 18 2001

FAX

June 07, 2001

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

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

Would you please fax me the POU's with the 1/4 1/4's or a boundary map for the following New Water Right Filing that is on the IDWR report dated June 04, 2001.

✓ Application for Permit No. 63-31235 for City of Homedale

Thank you for your help.

of pages 2 (includes cover sheet)

MICROFILMED

SEP 19 2001

JUN. 7.2001 9:09AM

NO. 261 P. 2/2
http://www.idwr.state.id.us/info/water/rights/perweek1.c

IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS
DATE: 06/4/01

Application for Permit No. 63-31235

Name: CITY OF HOMEDALE

Diversion Pt SESW Sec 34 T 04N R 05W CANYON County Source GROUND
Use: MUNICIPAL 01/01 To 12/31 1.67 CFS

Total Diversion: 1.67 CFS
Date Filed: 03/09/2001

Remarks: Applicant agrees to mitigate consumptive use in the future as delivery of municipal water to be used within the service area of Homedale. W appropriated is from 244 to 285 feet.

IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS
DATE: 06/4/01

MICROFILMED
SEP 19 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 1, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DIV OF ENV QUALITY
BOISE REGIONAL OFFICE
PO BOX 83720
BOISE ID 83706

Re: Application for Water Right No. 63-31235 in the Name of City of Homedale.

Dear Sir:

Enclosed is a copy of the above-referenced application which may be of interest to your agency. 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 your agency desires 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 June 25, 2001.

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

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman". The signature is fluid and stylized, with the first and last names being clearly legible.

Gary Spackman

GS:lm

Encl.

MICROFILMED
SEP 19 2001

Robert P. Walker, LLC

RECEIVED

MAY 14 2001

WATER RESOURCES
WESTERN REGION

May 10, 2001

Steve Lester, Water Rights Supervisor
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: City of Homedale Application for Permit

Dear Mr. Lester:

We appreciate your letter of May 7, 2001, concerning the Water Right Application for the new municipal well for Homedale, Idaho. Our response to your inquiry is as follows:

1. Request to Process Form.
Refer to attached completed form.
2. Water Bearing Zone to be Appropriated.
The zone from which water is to be appropriated is between 244 feet and 285 feet.
3. Primary Use of Surface Water.
The City of Homedale will continue to use the existing surface water rights for irrigation within the City. The proposed domestic well will be utilized primarily for domestic water needs.

I hope this answers your questions and we would appreciate your early review and approval of this application. If you have any further questions or need additional information, please let me know.

Sincerely,



Robert P. Walker, P.E.

cc: Harold Puri, Mayor
City of Homedale

MICROFILMED

SEP 19 2001

5710 West Randolph Drive, Boise, Idaho 83705 (208) 484-4018

RECEIVED

MAY 14 2001

WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS

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

Name of Applicant CITY OF HOMEDALE

Mailing Address P.O. Box 757

HOMEDALE, IDAHO 83628

Application No.
(if known) _____

 IN LOCAL PUBLIC INTEREST

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

 PROPOSE MITIGATION NOW

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

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature



Date

5/10/01

Please return this form to:

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

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SEP 19 2001



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 7, 2001

ROBERT P WALKER P E
5710 W RANDOLPH DR
BOISE ID 83705

Re: City of Homedale Application for Permit

Dear Mr. Walker:

The above referenced application for a new municipal well for Homedale was received in March, but circumstances prevented this letter until now. A few items need attention prior to processing the application. Please review the following points.

OK *Request to Process form* – The enclosed form should be completed to allow the application to proceed. The form is explained in its accompanying generic letter. Most applicants proposing a new consumptive use of water select the third option, "possible future mitigation."

OK *Water bearing zone to be appropriated* – For a new well in the Boise River drainage, the applicant should specify the water bearing zone to be appropriated. Please confirm that the zone in this case is from 244 to 285 feet (obtained from the well schematic in the application).

OK *Primary use of surface water* – Please be aware that approval of the application most likely will include a condition requiring continued use of existing surface water rights in the city service area. For example, surface water used for irrigation could be augmented with ground water but should not be replaced with ground water.

↑
per response
received 5/14/01
Please submit the completed request to process form and any comments to the other points within thirty (30) days of the date of this letter. If the information is not timely submitted, the application will be removed from the records of this agency. Thank you for your attention to these matters.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

MICROFILMED

SEP 19 2001

Robert P. Walker, LLC

RECEIVED

MAR 09 2001

**WATER RESOURCES
WESTERN REGION**

March 9, 2001

Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

RE: Application for Permit
City of Homedale, Idaho

Dear Sir or Madam:

Attached is an application for permit for a new well source to serve the municipal water system for the City of Homedale, Idaho. As indicated by the location map, the proposed well source is located North of Homedale in Canyon County, Idaho. The City currently has one well source on the North side of the Snake River in Canyon County, Idaho. The proposed well will be connected to the existing distribution system that serves the existing well North of the river with approximately 3/4-mile of 12-inch pipeline.

If you have any questions or need additional information, please let me know.

Sincerely,

Robert P. Walker

Robert P. Walker, P.E.

MICROFILMED

SEP 19 2001



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 30, 2001

Legal Notice Department

Press-Tribune

PO Box 9399

Nampa ID 83652

RE: Application for Permit Nos. 63-11772, 63-31235 and Application for Transfer Nos. 69150, 69110 and 69112.

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 06/25/2001. Your cooperation is appreciated.

Sincerely

Sue Taylor

Senior Secretary

MICROFILMED
SEP 19 2001

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

63-31235

CITY OF HOMEDALE
C/O ROBERT P WALKER P E
PO BOX 757
HOMEDALE ID 83628

Point(s) of Diversion SESW S34 T04N R05W CANYON County Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 1.67 CFS

Total Diversion: 1.67 CFS

Date Filed: 03/09/2001

Remark: Applicant agrees to mitigate consumptive use in the future as needed for a proposed well in Canyon County for delivery of municipal water to be used within the service area of Homedale. Water bearing zone to be appropriated is from 244 to 285 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 Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 06/25/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Press Tribune on June 7 and 14, 2001.

MICROFILMED

SEP 19 2001