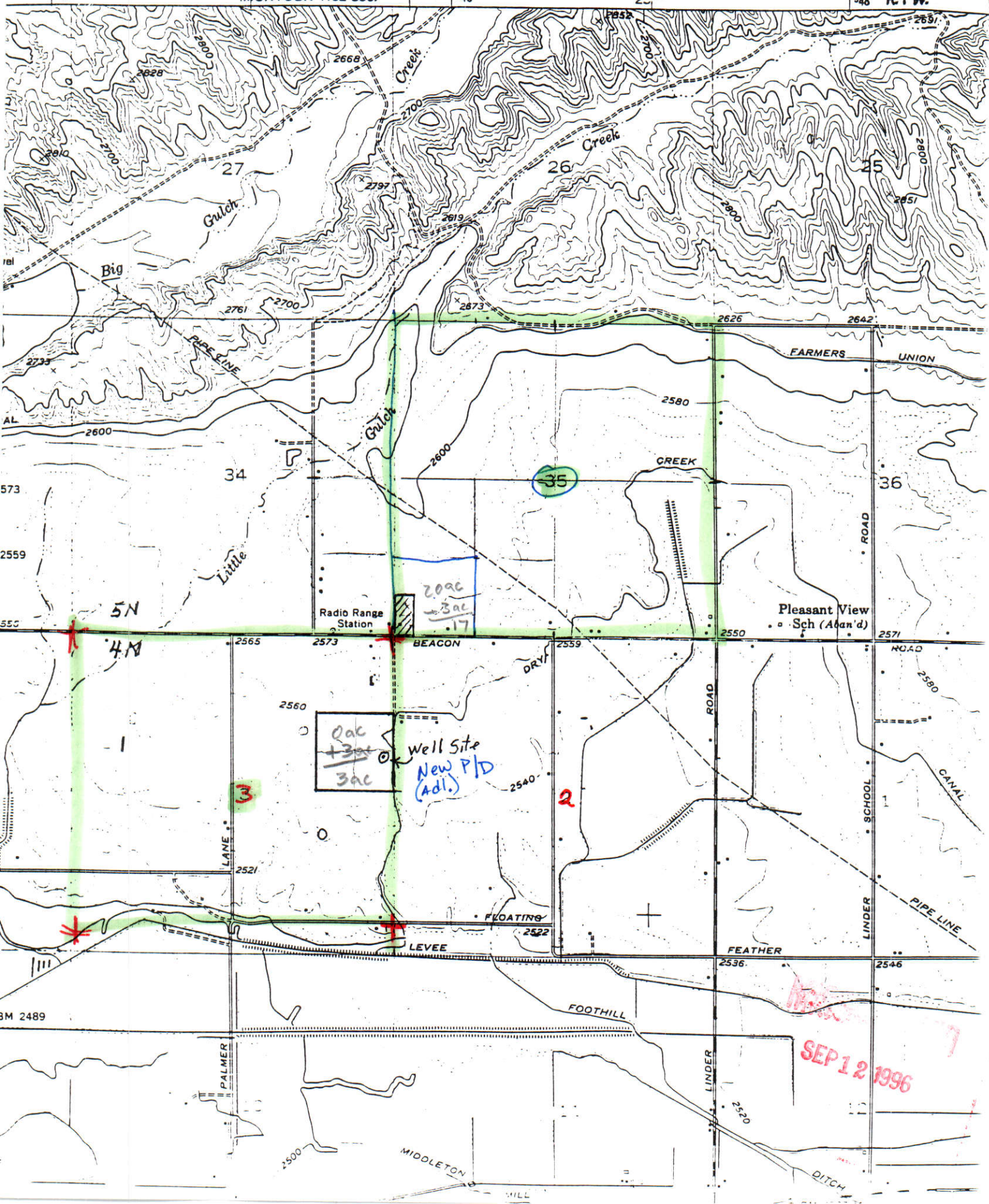
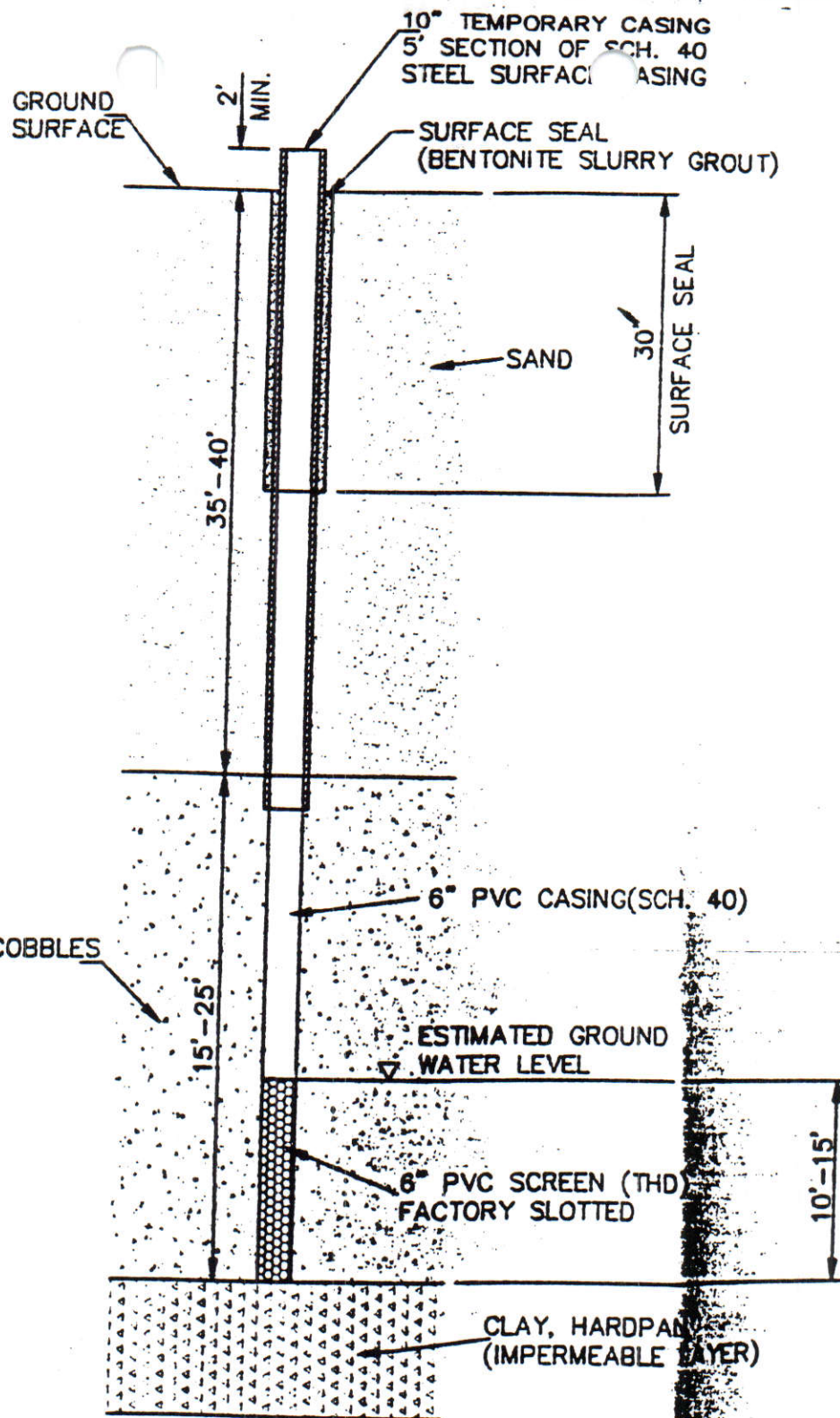




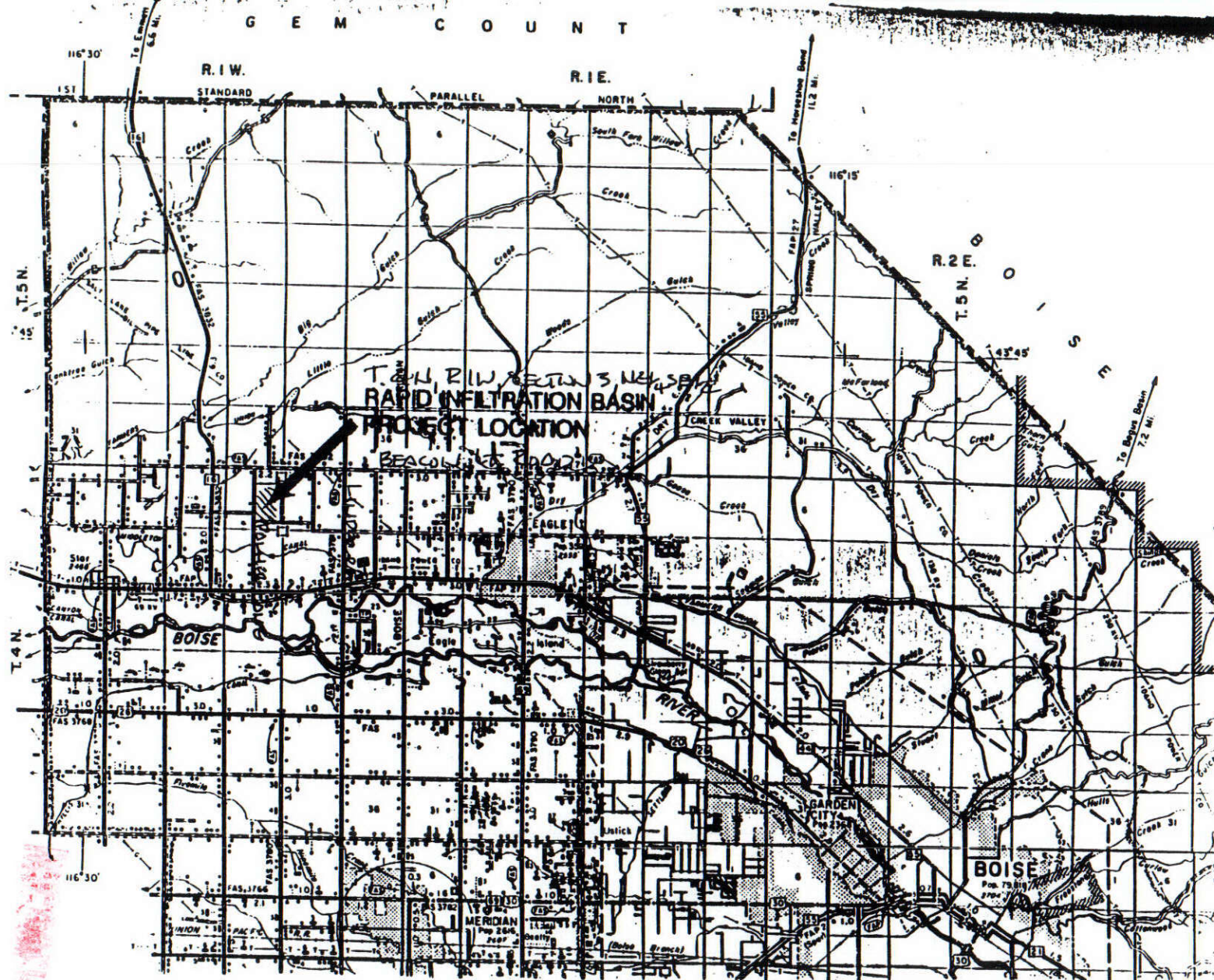


# MONITORING WELL DETAIL N.T.S.

NOTE: TYPICAL ONLY: DETAILS MAY CHANGE  
BASED ON DRILLING EXPERIENCE

SEP 12 1996

SEP 12 1996



### VICINITY MAP

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JUN 06 1996

WATER RESOURCES  
WESTERN REGION

The Idaho  
Statesman  
P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

|                                                                                                                    |             |                                                                              |                   |              |
|--------------------------------------------------------------------------------------------------------------------|-------------|------------------------------------------------------------------------------|-------------------|--------------|
| Account Number                                                                                                     |             | Identification                                                               |                   | Amount Due   |
| 047628                                                                                                             |             | NOTICE OF PROPOSED CHANGE OF WATER RIGHT<br>NO. 63-02960 / TRANSFER NO. 4828 |                   | \$78.00      |
| Ordered By                                                                                                         | P.O. Number | Rate                                                                         | Run Dates         |              |
| Sue Taylor                                                                                                         |             | TT                                                                           | May 16 & 23, 1996 |              |
| Sue Taylor<br>IDAHO DEPARTMENT OF WATER RESOURCES<br>Western Region<br>2735 Airport Way<br>Boise, Idaho 83705-5082 |             |                                                                              | Estimated Inches  | Real Inches  |
|                                                                                                                    |             |                                                                              | # Affidavits      | Legal Number |
|                                                                                                                    |             |                                                                              | 1                 | 5004         |

LEGAL NOTICE

NOTICE OF PROPOSED CHANGE OF  
WATER RIGHT NO. 63-02960  
TRANSFER NO. 4828

Notice is hereby given that Eagle Sewer District of Eagle, Idaho has applied to the Department of Water Resources to add a point of diversion and change place of use under the following described water right(s) pursuant to section 42-222 of Idaho Code.

WATER RIGHT(S) AS RECORDED

Right No. 63-02960  
Claim No. A63-02960  
Basis License  
Date of Priority 9-23-1953  
Source Ground Water  
Amount 0.28 cfs  
Use Irrigation and domestic  
Point of Div SWSW S35, T05N R01W, Ada County  
Place of Use 20 acres in SWSW S35, T05N R01W

TO BE CHANGED AS FOLLOWS:

Point of Div SWSW S35, T05N R01W, and SENE S03, T04N R01W, Ada Co.  
Place of Use 17 acres in SWSW S35, T05N R01W and 3 acres in NESE S03, T04N R01W

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest fee of \$25.00, on or before June 3, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director  
5004

Pub. May 16 & 23, 1996

LINDA PORTER

, 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 ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of MAY 16, 1996

and ending with the issue of MAY 23, 1996

Linda Porter

STATE OF IDAHO )

ss.

COUNTY OF ADA )

On this 23rd day of MAY in the year of 1996, before me, a Notary Public, personally appeared LINDA PORTER, 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: 11-27-99

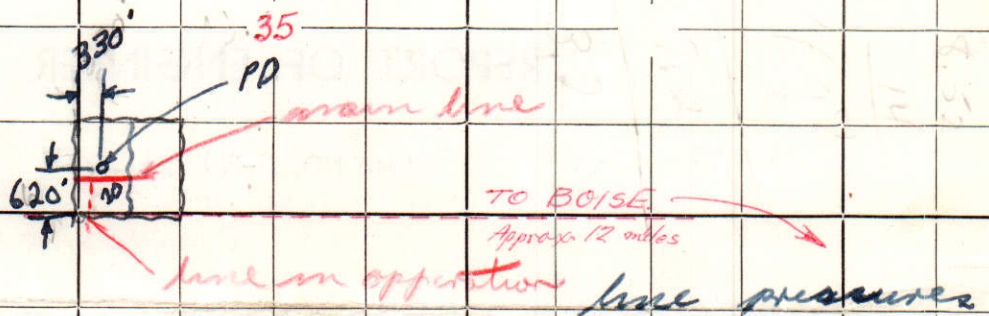
SEP 12 1996



4" ~~Weld~~ Aluminum Main line  
running east and west from pump  
for a total length of  $\frac{1}{2}$  mile

This pump usually pumps for 1 sprinkler line  
with 14 sprinkler heads to the south and  
18 sprinkler heads to the north of main line  
at time of inspection 14 sprinkler heads were  
in operation.

14  $\cdot \frac{1}{2} \times \frac{3}{16}$  round nozzles in operation at time of  
inspection



subdivisions = 1      main      center      end  
Area = 20 acres      37      36      36  
 $\phi = 14$  inches  
.28 cfs.      line running down  
hill from main line

$$\frac{10 \times 110 \times 550 \times 60}{40} = 1718$$

RECEIVED  
AUG 18 1958  
Department of Reclamation

STATE OF IDAHO, }  
COUNTY OF ADA } ss.

Edith Ferguson, being duly sworn,

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

four ~~non-~~ consecutive insertions, beginning with the issue of July 15, 19 58, and ending with the issue of August 5, 19 58.

*Edith Ferguson*

Subscribed and sworn to before me this 14th day of

August, 1958.

*Robert Lowland*  
Notary Public for Idaho, Residing at Boise, Idaho

NOTICE OF PROOF OF  
COMPLETION OF WORKS  
and  
APPLICATION OF WATER  
TO BENEFICIAL USE

Notice is hereby given that 3:00 P.M., on the 12 day of August, 1958, at Eagle, County of Ada, State of Idaho, before Lloyd F. Neff, Notary Public, at Eagle, Idaho, proof will be submitted of the completion of works for the diversion of 0.40 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-24497 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Howard K. and Jessie E. Allinger, Rt. 1, Eagle, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 0.40 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 0.40 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 35, Twp. 5 N. Rge. 1 W. BM.

5. The place where said water is used is SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 35, Twp. 5 N. Rge. 1 W. BM.

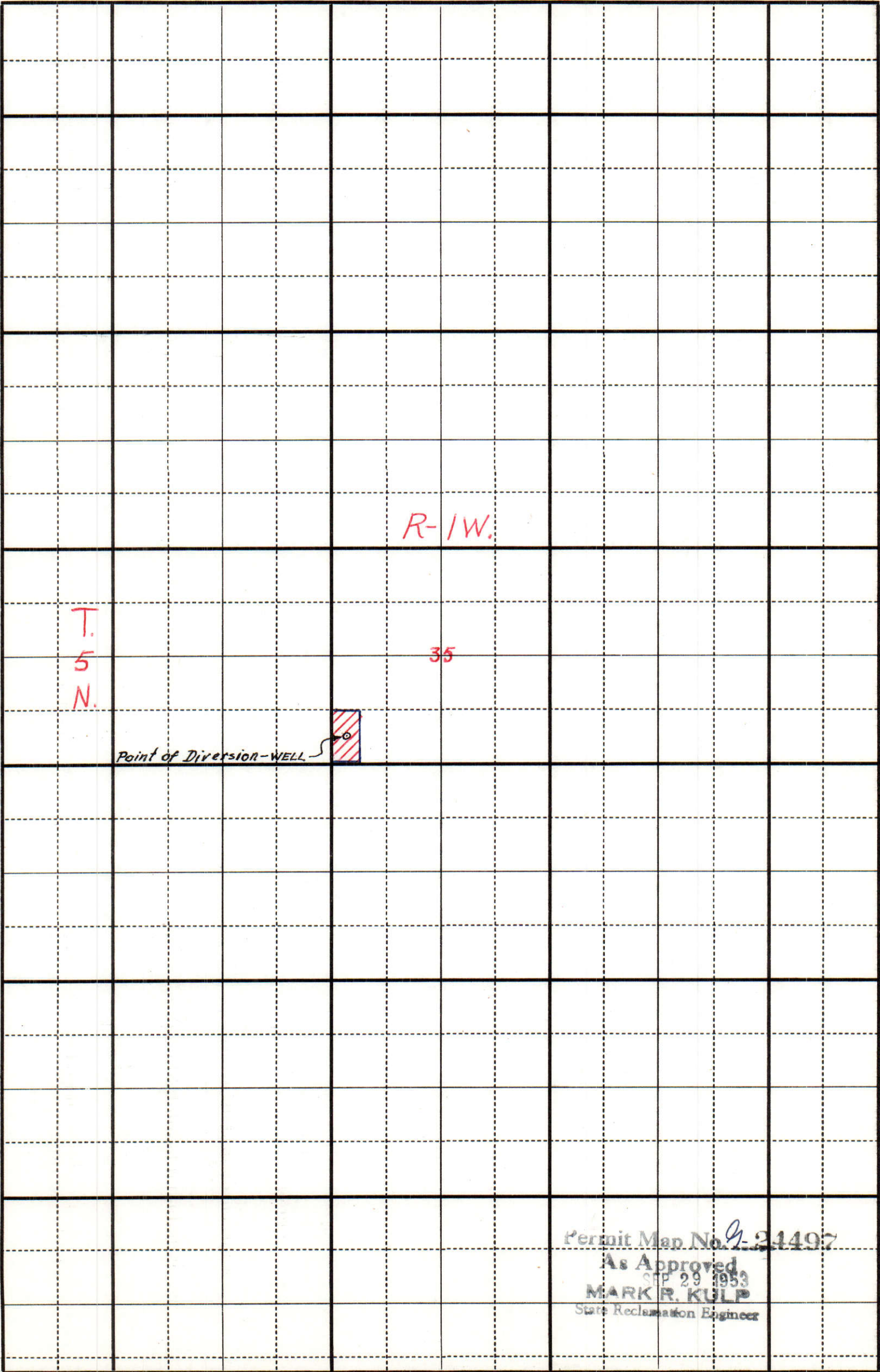
6. The date of priority which said user is prepared to establish is September 23, 1953.

GEO. N. CARTER,  
State Reclamation Engineer.  
44-July 15, 22, 29, Aug. 5.

24497

NAME OF APPLICANT HOWARD K. D JESSIE E. ALLINGER

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

9-24497

State of Idaho  
License and Certificate of Water Right

Water License No. G-24497 Amount .28 c.f.s.  
Water District No. \_\_\_\_\_ Priority September 23, 1953

THIS IS TO CERTIFY that HOWARD K. and JESSIE E. ALLINGER  
of Eagle, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated September 23, 1953; that Permit No. G-24497  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
.28 second feet, was issued thereunder on November 19, 1958, showing that said works  
were completed on the 13th day of August, 1958; and that on the 13th  
day of August, 1958, HOWARD K. and JESSIE E. ALLINGER

of Eagle, State of Idaho, made proof to the satisfaction of the  
State Reclamation Engineer of Idaho, of the right to use the waters of a well  
, a tributary of subterranean, for the purpose of Irrigation and domestic  
use, under Use Permit No. G-24497 of the Department of Reclamation  
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,  
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume  
11 of Licenses at page 6537, on the 19th day of November, 1958;

The right hereby confirmed dates from September 23, 1953;

The Point of Diversion is located  
in the SW 1/4 SW 1/4, Sec. 35, Tp. 5 N., R. 1 W., B. M. County ADA

That the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall  
not exceed .28 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract                | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------|---------------------------------|----------------------------------|---------------------------------|
| 5 N. | 1 W.  | 35   | SW 1/4 SW 1/4                   | 20                               | 20                              |
|      |       |      | Total number of acres irrigated | - - -                            | 20                              |

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place  
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this  
19th day of November, 1958.

/s/ Geo. N. Carter  
State Reclamation Engineer.

(SEAL)

# State of Idaho

## License and Certificate of Water Right

Water License No. 20325 Amount 5.2 c.f.s.

Water District No. Priority March 1, 1948

THIS IS TO CERTIFY that

LAWRENCE H. DUFFIN and WILBERT H. MOLLER, Co-partners  
WILBERT H. MOLLER and VELVA D. MOLLER, Assignees

of Rupert, Idaho, made application for a permit to appropriate the

public waters of the State of Idaho, dated March 1, 1948; that Permit No. 20325 was issued under said application; that Certificate of Completion of works, with a carrying capacity of

5.4 second feet, was issued thereunder on August 26, 1953, showing that said works

were completed on the 31st day of July, 1953; and that on the 5th

day of March, 1957, WILBERT H. MOLLER

of Rupert, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well

, a tributary of subterranean, for the purpose of Irrigation

, under Use Permit No. 20325 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

11 of Licenses at page 6538, on the 19th day of November, 1958;

The right hereby confirmed dates from March 1, 1948;

The Point of Diversion is located

in the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Sec. 30, Tp. 7 S., R. 24 E., B. M. County Minidoka

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 5.2 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract                          | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------|-------------------------------------------|----------------------------------|---------------------------------|
| 7 S. | 24 E. | 30   | NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) -     | 27.22                            | 10                              |
|      |       |      | NW $\frac{1}{4}$ NE $\frac{1}{4}$ )       |                                  | 15                              |
|      |       |      | SW $\frac{1}{4}$ NE $\frac{1}{4}$ )       | 40                               | 40                              |
|      |       |      | SE $\frac{1}{4}$ NE $\frac{1}{4}$ )       | 40                               | 40                              |
|      |       |      | NE $\frac{1}{4}$ NW $\frac{1}{4}$ )       | 22.5                             | 22                              |
|      |       |      | NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 1) | 21.84                            | 16                              |
|      |       |      | SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 2) | 21.91                            | 22                              |
|      |       |      | SE $\frac{1}{4}$ NW $\frac{1}{4}$ )       | 40                               | 40                              |
|      |       |      | NE $\frac{1}{4}$ SW $\frac{1}{4}$ )       | 40                               | 40                              |
|      |       |      | NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 3) | 21.62                            | 22                              |
|      |       |      | SW $\frac{1}{4}$ SW $\frac{1}{4}$ ) -     | 27.24                            | 5                               |
|      |       |      | SE $\frac{1}{4}$ SW $\frac{1}{4}$ ) -     |                                  | 20                              |
|      |       |      | Total number of acres irrigated - - -     |                                  |                                 |

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

19th day of November, 1958.

/s/ Geo. N. Carter

State Reclamation Engineer.

(SEAL)

# APPLICATION FOR PERMIT 63-2960

## To appropriate the Subterranean Waters of The State of Idaho

Application No. G- 32293  
Permit No. G- 24497  
District No.

1. Name of Applicant: HOWARD K. and JESSIE E. ALLINGER  
Postoffice address: Rt. 1, Eagle County: Ada State: Idaho
2. Quantity of water claimed: .40 cubic feet per second  
(a) Rate of withdrawal in cubic feet per second. .40 or Idaho  
Miners' inches 20 or gallons per minute.  
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean Flow (Well)
4. Location of point of diversion or well is in the  $W\frac{1}{2}SW\frac{1}{4}$   $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 35  
Twp. 5 N. , Rge. 1 W. , B.M., County of Ada
5. Water is to be used for: Irrigation and domestic purposes
6. If for municipal, industrial or recreational purposes, give:  
(a) Point of use of water is in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp.  
Rge. , B.M.  
(b) Waste water or sewage effluent is to be returned to  
at a point in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp. , Rge. , B.M.
7. Kind of works: Well, pump and ditches (Probable sprinkler system)
8. Estimated cost of works: \$1,000.00
9. (a) Is reservoir to be used?  
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is Five years.
11. If applicant is a corporation, give:  
I. (a) Date and place of incorporation:  
(b) Amount of capital stock: \$ (c) Amount paid in: \$  
(d) Names and addresses of directors:  
II. The financial resources of the applicant are (a) Cash on hand: \$  
(b) Treasury stock: (c) Bonds to be issued:  
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Water right for 17 acres, from the Farmers Union, land very sandy and amount of water very inadequate.  
(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.  
(b) (cubic feet per second, inches or gallons per minute) is for new lands.

**BE IT KNOWN THAT** The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

By Jessie E. Allinger Agent.

**Returned to applicant for correction:**

**Corrected application received:**

The number of this permit is G-24497

Recorded in Book 87 Page 24497 Approved September 29, 1953

**This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:**

Bond in the sum of \$ \_\_\_\_\_ to be filed on or before \_\_\_\_\_

Work to begin on or before November 29, 1953 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before March 29, 1956

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before September 29, 1958

Witness my hand this 29th day of September, 1953

MARK R. KULP  
*State Reclamation Engineer.*

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho,  
and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to  
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 29th  
day of September 1953

**Countersigned:**

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS

By LEN JORDAN

*Governor*

By Paula L. Fleenor  
Acting Secretary of State

**12.**

| Twp. | Range | Sec. | NE <sup>1</sup> / <sub>4</sub>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | NW <sup>1</sup> / <sub>4</sub>                                                                                                 | SW <sup>1</sup> / <sub>4</sub>                                                                                                 | SE <sup>1</sup> / <sub>4</sub>                                                                                                 | Totals |
|------|-------|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|--------|
|      |       |      | NE <sup>1</sup> / <sub>4</sub>  NW <sup>1</sup> / <sub>4</sub>  SW <sup>1</sup> / <sub>4</sub>  SE <sup>1</sup> / <sub>4</sub>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | NE <sup>1</sup> / <sub>4</sub>  NW <sup>1</sup> / <sub>4</sub>  SW <sup>1</sup> / <sub>4</sub>  SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub>  NW <sup>1</sup> / <sub>4</sub>  SW <sup>1</sup> / <sub>4</sub>  SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub>  NW <sup>1</sup> / <sub>4</sub>  SW <sup>1</sup> / <sub>4</sub>  SE <sup>1</sup> / <sub>4</sub> |        |
| 5 N. | 1 W.  | 35   | <p style="text-align: center;">20</p> <p style="text-align: center;">Permit No. G-24497<br/>Certificate of Completion of Works</p> <hr/> <p>TO ALL WHOM IT MAY CONCERN:</p> <p>This is to certify that HOWARD K. and JESSIE E. ALLINGER of Eagle, County of Ada, and State of Idaho, the holders of Permit No. G-24497, issued upon Application No. G-32293 bearing date of priority of September 23, 1953, authorizing the diversion of .40 second feet of waters of Subterranean Flow (Well) County of Ada, State of Idaho, for Irrigation and domestic purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use .28 second feet of the waters of subterranean flow from a well that the point of diversion of said waters SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 35, Township 5 North, Range 1 West, BM and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 20 acres in the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 35, Township 5 North, Range 1 West, BM Proof of Completion of Works made: August 13, 1958</p> <p style="text-align: center;">Witness my hand this 19th day of November, A.D. 1958</p> <p style="text-align: right;">/s/ Geo. N. Carter<br/>State Reclamation Engineer</p> <p>Proof of Completion of Works made: August 13, 1958<br/>Certificate of Completion of Works issued: November 19, 1958.</p> |                                                                                                                                |                                                                                                                                |                                                                                                                                | 20     |



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

RECEIVED

AUG 27 1996

August 23, 1996

J EVAN ROBERTSON  
ROSHOLT ROBERTSON & TUCKER  
PO BOX 2139  
BOISE ID 83701-2139

Department of Water Resources

Re: Application for Transfer of Water Right No. 63-02960

Dear Applicant:

This office acknowledges the withdrawal of the above-referenced application for transfer of water right.

The application will now be removed from the Department's records.

If you have any questions concerning this matter, please contact this office.

Sincerely,

Steve Lester  
Deputy Regional Manager

SL/st

CC: Mary Taylor, Neighborhood Property Owners

RECEIVED

SEP 12 1996

Page \_\_\_\_\_ of \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 4828  
RECEIVEDAPPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Department of Water Resources

Applicant Eagle Sewer District Phone (208) 939-0132  
Post Office address 82 East State Street, Eagle, Idaho 83616

## A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_

Describe the reason for the proposed changes Change point of use, add well.

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

| 1. Right Number | Priority         | Amount (cfs/ac-ft) | Nature of Use | Period of Use               |
|-----------------|------------------|--------------------|---------------|-----------------------------|
| <u>6302960</u>  | <u>9-23-1953</u> | <u>.28</u>         | <u>Irrig</u>  | <u>3-15</u> to <u>11-15</u> |
| _____           | _____            | _____              | _____         | _____ to _____              |
| _____           | _____            | _____              | _____         | _____ to _____              |
| _____           | _____            | _____              | _____         | _____ to _____              |

2. Total amount of water being transferred \_\_\_\_\_ cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Source of water Groundwater tributary to \_\_\_\_\_

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | SW  | SW  | 35   | 5N   | 1W   | Ada    | existing                 |
|     |     | SE  | NE  | 3    | 4N   | 1W   | Ada    | proposed drilled under   |
|     |     |     |     |      |      |      |        | 63.95.W.0958.001         |
|     |     |     |     |      |      |      |        | has been upgraded        |

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 5N   | 1W   | 35   |        |        |        |        |        |        |        |        |        |        | 17     |        |        |        |        |        | 17     |
| 4N   | 1W   | 3    |        |        |        |        |        |        |        |        |        |        |        |        | 3      |        |        |        | 3      |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

New pln →

NESE or

SENE (semp)

SEP 12 1996

Total acres

20

**PART 1****General Information:**

- a. Description of diversion system well point
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
Sufficient water right remains for use on 17 acres
- d. Remarks:

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_  
And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

SEP 12 1996

Page \_\_\_\_\_ of \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

(Attach one copy for each right)

## A. DESCRIPTION OF RIGHT AS RECORDED

## 1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. 63-02960 issued by the Idaho Department of Water Resources.
- c. Claim No. A63-2960 on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

## 2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice
 ☐ Warranty Deed
 ☐ Other \_\_\_\_\_
3. Source of water Groundwater tributary to \_\_\_\_\_4. Date or priority 9-23-53

## 5. Water is used for the following purpose:

amount .28 for Irrig purposes from 3-15 to 11-15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right .28 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | SW  | SW  | 35   | 5N   | 1W   | Adg    |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

## 8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 5N   | 1W   | 35   |        |        |        |        |        |        |        |        |        |        | 20     |        |        |        |        |        | 20     |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 20

## 9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|---|------|------|------|--------|--------------------------|
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

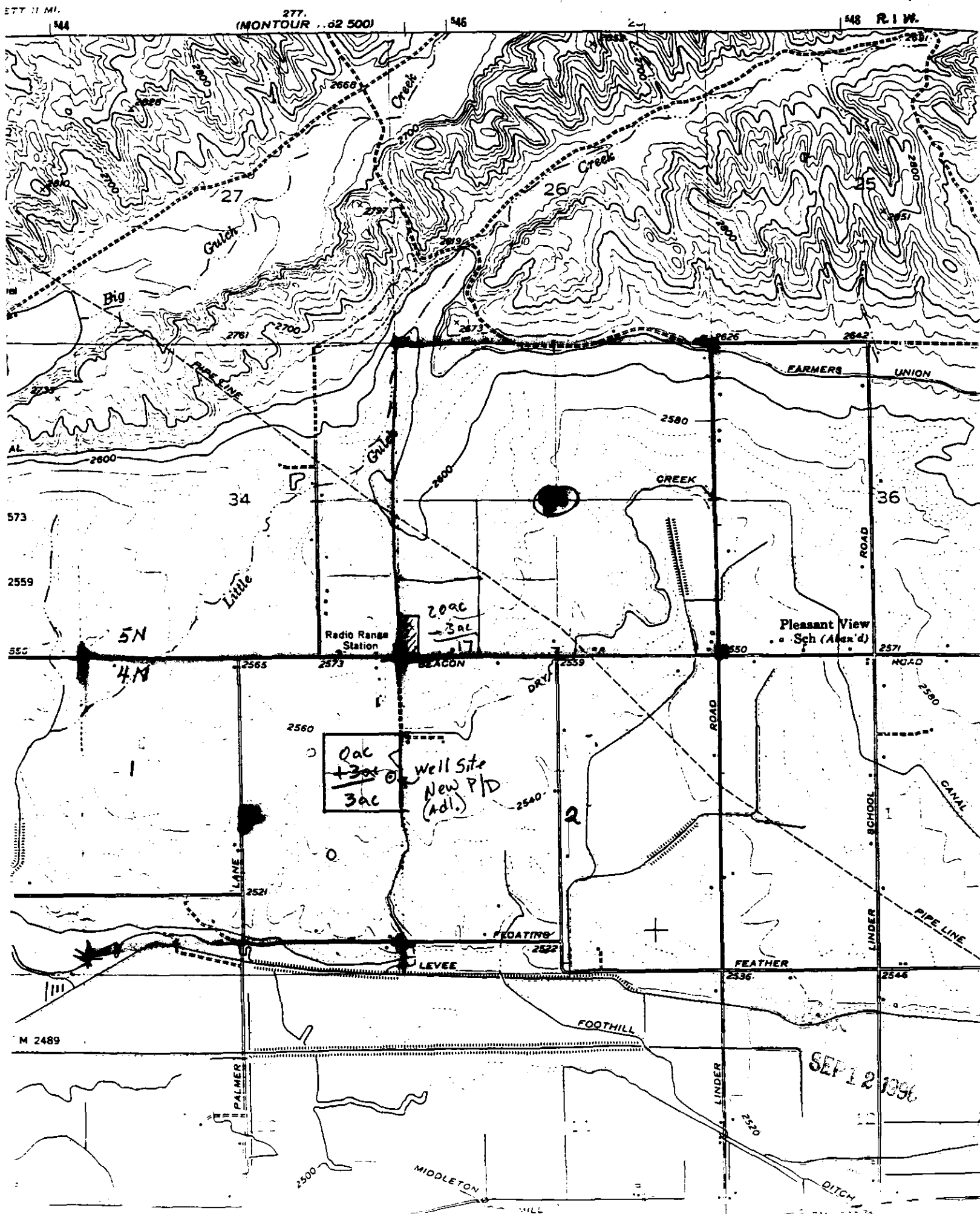
2. Point(s) of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|---|---|---|------|------|------|--------|--------------------------|
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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SEP 12 1996

**PART 3****B. CHANGES IN NATURE OF USE**

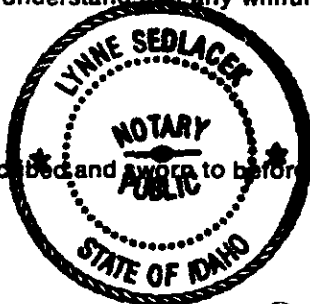
| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to            |
|   |                   |                       |                 | to            |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn to before me this

Jim Hill  
28th day of April, 19 96

My commission expires

9/6/2000

**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by

RW

Date

4-23-96

Protest filed by

Prelim. check by

Fee

100.00W020646

Received by

D.B.

Date

4-3-96

Published in

Idaho Statesman

Pub. dates

May 16 + 23, 1996

Copies of protest forwarded by

Watermaster recommendation requested on

Recommended for

☐

approval

☐

denial

rec'd.

by

Copy of transfer sent to lien holder

SEP 12 1996

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR DRILLING PERMIT**

1. Name: **EAGLE SEWER DIST** O 208-939-0132  
Address: **82 E STATE STREET**  
**EAGLE ID 83616**

2. Proposed Well Location: Township 04N, Range 01W, Sec. 3, NESE  
ADA County

Street Address of Well Site: **PALMER RD**  
**EAGLE** ID

3. Proposed Use of Well: Monitor  
A well bore schematic and map are required for each well.  
No. of proposed wells: 1

4. Well Construction Information:  
A. NEW WELL  
B. Proposed Surface Diameter 6 In. Proposed Maximum Depth 60 Ft.  
C. Anticipated Bottom Hole Temperature: 85 F or less (Cold water well)  
(NOTE: Construction diagrams and/or other information may be requested for monitor, low temperature geothermal, municipal and artesian wells.)

5. Construction Start Date: 12/14/1995

6. Anticipated Well Driller: PETE COPE DRILLING CO INC (No. 0213)  
NOTE: The actual well driller must be identified prior to drilling.

7. Applicant's Signature *[Signature]* Date 12/14/95  
Title I-V-B ENGINEERS, INC.  
(Owner, Firm Representative, Other)

\*\*\*\*\*  
Fee \$ 35- Received by OB No. W030195 Date 12/20/95

This D.P. has been upgraded w/ Adl. #165<sup>00</sup>  
Please See D-Base

(Continued)

SEP 2 1996

## ACTION OF THE DEPARTMENT OF WATER RESOURCES

This verbal permit issued on 12/14/1995 by \_\_\_\_\_

## NOTE:

This permit was authorized based on a verbal conversation or other information provided by the driller. If this information is incorrect, the driller is responsible for notifying the proper IDWR Office with the correct information.

This final permit is

Approved

Date:

12/19/95

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

CONDITIONS OF APPROVAL:

1. This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells must not be drilled closer than 100' from any drainfield and 50' from any septic tank.
3. The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If the bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Dig Line" Number for your area is 1-800-342-1585.
9. A water tight cap with a locking device shall be installed on the well head and maintained until the well is decommissioned by a plan approved by the Department of water resources which meets State minimum construction standards, (Rule 3.12. Abandoning of wells).

This well shall be completed in the upper, unconfined surface gravels. IF a confining layer is encountered, drilling shall stop and the well driller shall notify IDWR.

(Continued)

SEP 12 1996

**CONDITIONS OF APPROVAL:**

10. The use of plastic casing in this well at land surface shall constitute a waiver of minimum construction standards as specified by rule 3,2,2. However, extra precautions shall be taken to ensure direct sunlight and surface activity (vehicle movement etc.) will not pose a risk to compromise the integrity of the casing/seal for the life of the well. This will require the placement of metal covers and/or steel posts.

  
Signature of Authorized Dept. Representative

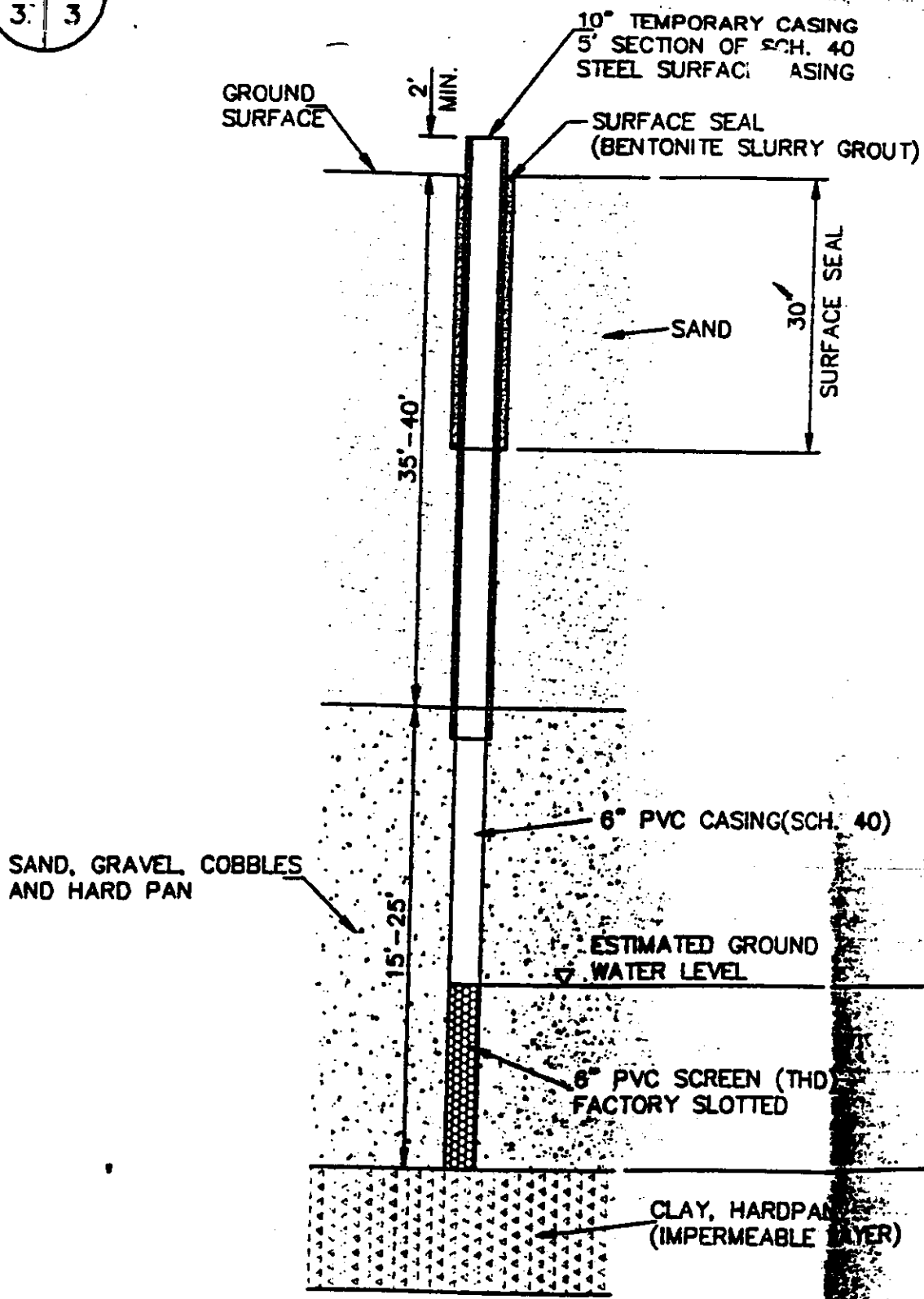
DAVID R. TUTHILL JR.  
MANAGER  
Title WESTERN REGIONAL OFFICE

\*\*\*\*\*  
**EXTENSION OF DRILLING PERMIT**

Extension Approved by: \_\_\_\_\_

Approval Date: \_\_\_\_\_  
Expires On: \_\_\_\_\_

SEP 12 1963



# MONITORING WELL DETAIL N.T.S.

NOTE: TYPICAL ONLY: DETAILS MAY CHANGE  
BASED ON DRILLING EXPERIENCE

SEP 12 1996





WR5809NP  
No. 63-02960

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 07/15/96  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS     | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|--------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | HOWARD K. ALLINGER | 09/23/1953       | IRRIGATION | 00/00 00/00           | 0.280 CFS         |                     |
| C                | JESSIE E. ALLINGER |                  | DOMESTIC   | 00/00 00/00           |                   |                     |
| TOTAL DIVERSION: |                    |                  |            |                       | 0.280 CFS         |                     |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T05N R01W S35 SWSW ADA County

Place of use Legal Description for: IRRIGATION

| NE          |     |    |   | NW   |      |      |      | SW |      |      |      | SE   |   |      |      |      |      |   |      |      |      |      |      |      |
|-------------|-----|----|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|------|------|
| T           | R   | S  |   | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | :    | SUM  |
|             |     |    |   | Lt   | Ac   | Lt   | Ac   |    | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |      |      |
| 05N         | 01W | 35 | : |      |      |      |      | :  |      |      |      |      | : |      |      | 20   | :    |   |      |      |      |      |      | 20.0 |
| TOTAL ACRES |     |    |   |      |      |      |      |    |      |      |      |      |   |      |      |      |      |   |      |      |      |      | 20.0 |      |

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion and Source:  
T63-02960

Other Water Rights Listing Overlapping Place(s) of use:  
63-02406 T63-02960

|        |                 |                    |            |
|--------|-----------------|--------------------|------------|
| Dates: | App. Received:  | Priority Date:     | 09/23/1953 |
|        | Proof Due Date: | Proof Made Date:   |            |
|        | Exam Made Date: | Exam Sent to S.O.: |            |
|        | Licensed Date:  | 08/28/1979         |            |

Misc: Water District Number: Field Exam Fee:

Audit: 05/20/85 05/01/88 CONVERT

AJ5809NP  
No. A63-02960

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/15/96  
PAGE: 1

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| OWNER<br>CODE                                                                           | NAME & ADDRESS                                           | PRIORITY<br>DATE | WATER USE                 | USE PERIOD<br>FROM TO     | DIVERSION<br>RATE         | DIVERSION<br>VOLUME             |
|-----------------------------------------------------------------------------------------|----------------------------------------------------------|------------------|---------------------------|---------------------------|---------------------------|---------------------------------|
| -----                                                                                   |                                                          | -----            | -----                     | -----                     | -----                     | -----                           |
| C                                                                                       | ALVIN L MELTON<br>6390 BEACON LIGHT RD<br>EAGLE ID 83616 | 09/23/1953       | IRRIGATION                | 03-15 11-15               | 0.28 CFS                  |                                 |
|                                                                                         |                                                          |                  |                           |                           | TOTAL DIVERSION:          | 0.28 CFS                        |
| Water Source: GROUNDWATER                                                               |                                                          | Tributary to:    |                           |                           | Stage: LICENSE            |                                 |
| Point(s) of Diversion:                                                                  |                                                          | T05N R01W S35    | SWSW                      | ADA County                |                           |                                 |
| Place of use Legal Description for: IRRIGATION                                          |                                                          |                  |                           |                           |                           |                                 |
| NE NW SW SE                                                                             |                                                          |                  |                           |                           |                           |                                 |
| NENE NWNE SWNE SEWE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE : |                                                          |                  |                           |                           |                           |                                 |
| T                                                                                       | R                                                        | S                | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac : SUM |
| -----                                                                                   |                                                          |                  |                           |                           |                           |                                 |
| 05N                                                                                     | 01W                                                      | 35               | :                         | :                         | 20                        | :                               |
|                                                                                         |                                                          |                  |                           |                           | TOTAL ACRES               | 20.0                            |

POU County: ADA

Other Rights: DOMESTIC WELL FILED SEPARATELY; FARMERS UNION

Other Water Rights Listing Overlapping Place(s) of Use:

A63-00120G A63-00123C A63-00124G A63-00125J A63-00126F A63-00164E A63-00165M A63-00198AG A63-00248 A63-00297  
A63-02406 A63-21729 A63-21730

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

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AUG 19 1996

WATER RESOURCES  
WESTERN REGION

W I T H D R A W A L

TO WHOM IT MAY CONCERN:

I hereby withdraw Application for Transfer of Water

Right No(s). 63-02960

TRANSFER # 4828

I understand that the withdrawal does not adversely  
affect the above-referenced water right(s).

Signed at

Boise  
city

IDaho  
state

on this 13<sup>th</sup> day of August 1996.

EAGLE SEWER DISTRICT

By:

[Signature]  
Applicant Holder

ATTY FOR APPLICANT

[Signature]

Jim Hill, Chairman of the Board

WITNESSED BY

[Signature]  
Lynne Sedlacek, District Secretary

SEP 12 1996



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

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

August 12, 1996

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

J EVAN ROBERTSON  
ROSHOLT ROBERTSON & TUCKER  
PO BOX 2139  
BOISE ID 83701-2139

***RE: EAGLE SEWER DISTRICT TRANSFER APPLICATION***

Dear Mr. Robertson:

I received your letter regarding withdrawal of Transfer Application No. 4828 (Water Right No. 63-02960) for the Eagle Sewer District.

Enclosed please find a withdrawal form that should be completed to take this step. The form should be signed by a party with the legal status to sign for the district.

The form can be returned to me at your earliest convenience. Please let me know if I can provide additional assistance.

Sincerely,

Steve Lester  
Deputy Regional Manager

Enclosure

SEP 12 1996

JOHN A. ROSHOLT  
J. EVAN ROBERTSON  
JAMES C. TUCKER  
GARY D. SLETTE  
JERRY V. JENSEN  
BRUCE M. SMITH  
JOHN K. SIMPSON  
PATRICK D. MADIGAN  
TIMOTHY J. STOVER  
NORMAN M. SEMANKO

ROSHOLT, ROBERTSON & TUCKER

Chartered  
ATTORNEYS AT LAW

Boise Office  
1221 W. IDAHO, SUITE 600  
P.O. BOX 2139  
BOISE, IDAHO 83701-2139  
TELEPHONE (208) 336-0700  
FAX (208) 344-6034

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AUG 09 1996

WATER RESOURCES  
WESTERN REGION  
Falls Office  
142 3rd AVENUE NORTH  
P.O. BOX 1906  
TWIN FALLS, IDAHO 83303-1906  
TELEPHONE (208) 734-0700  
FAX (208) 736-0041

August 6, 1996

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AUG 08 1996

Department of Water Resources

Idaho Department of Water Resources  
1301 North Orchard  
Boise, ID 83706

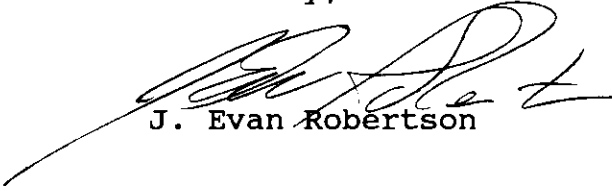
Re: Water Right No. 63-02960  
Transfer No. 4828

Attn: Steve Lester  
Hearing Officer

Dear Mr. Lester:

I represent the Eagle Sewer District, applicant for the above referenced water right transfer. Due to recent changes in the intened use of the property from which the water was being transferred, my client requests immediate withdrawl of the transfer application at this time. If this requested withdrawl is acceptable to the Department of Water Resources, please confirm.

Sincerely,

  
J. Evan Robertson

JER:bm

\\jer\eagle2.ltr

- file  
(Protested  
Transfer)



EAGLE  
SEWER  
DISTRICT

82 East State Street • Eagle, ID 83616  
Phone (208) 939-0132 • Fax (208) 939-8986

July 30, 1996

Steve Lester, Deputy Director  
Idaho Department of Water Resources  
Western Region  
2735 Airport Way  
Boise, ID 83705

RECEIVED

AUG 01 1996

WATER RESOURCES  
WESTERN REGION

**Sent Via Facsimile: 334-2348**

Re: Application for Transfer of Water Right No. 63-2960

Dear Steve:

Eagle Sewer District's attorney is investigating some options for irrigating our landscaping. Until we evaluate the feasibility of these options, we would like to delay a formal hearing on our request for a water right transfer. Our next regular meeting is scheduled for August 12. At this meeting, we will evaluate the options, and decide how we want to pursue this matter.

Please delay any action on our request until after August 12. I will contact you on the 13th to advise you of the Board of Director's decision.

I hope this request meets IDWR criteria. If not, let me know. Thank you for your assistance with this matter.

Sincerely,

Ms. Lynne Sedlacek  
Administrative Manager

c: Mary Taylor, 3410 Hartley Road, Eagle, ID 83616

Total number of transmitted pages: 1 Hard copy mailed: 07/30/96

1336



EAGLE  
SEWER  
DISTRICT

82 East State Street • Eagle, ID 83616  
Phone (208) 939-0132 • Fax (208) 939-8986

✓ OK  
CAN wait  
to hear  
from  
E.S.D.  
called Lynne,  
told her

July 30, 1996

Steve Lester, Deputy Director  
Idaho Department of Water Resources  
Western Region  
2735 Airport Way  
Boise, ID 83705

Sent Via Facsimile: 334-2348

Re: Application for Transfer of Water Right No. 63-2960

Dear Steve:

Eagle Sewer District's attorney is investigating some options for irrigating our landscaping. Until we evaluate the feasibility of these options, we would like to delay a formal hearing on our request for a water right transfer. Our next regular meeting is scheduled for August 12. At this meeting, we will evaluate the options, and decide how we want to pursue this matter.

Please delay any action on our request until after August 12. I will contact you on the 13th to advise you of the Board of Director's decision.

I hope this request meets IDWR criteria. If not, let me know. Thank you for your assistance with this matter.

Sincerely,

Ms. Lynne Sedlacek  
Administrative Manager

c/ Mary Taylor, 3410 Hartley Road, Eagle, ID 83616

Total number of trans: pages: 1

Hard copy mailed: 07/30/96

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SEP 12 1996

## CONVERSATION MEMORANDUM

DATE 7/16/96  
FILE T4828

NAME OF PARTY \_\_\_\_\_

EMPLOYEE Steve LathRE: 42-111 EXEMPTED USE

Both Mary Taylor + Lynne S. (E.S.O.)  
called to discuss Domestic Exclusion for A well.

For E.S.O. new site ("3 ac." S.3) - this  
means  $\leq .04$  cfs  $\leq 2500$  gpd can be  
used for any purpose.

If drip irrg. can cover this - W.R.  
process N/A.

If E.S.O. submits written statement:

- Outline drip system limits
- Withdraw Appl.

then DWR can review & comment.

For T. 4828 might not be necessary. **RECEIVED**

SEPT 2 1996

Want to hear from Lynne @ this -

Call go for 8/15/96, file in "Hold"

7/24 - Lynne called: can do work within 42-111 (2500 gpd, .04 cfs)  
so will send withdrawal document.

## ROSTER OF ATTENDANCE

### IDAHO DEPARTMENT OF WATER RESOURCES 2735 Airport Way, Boise, ID 83705

Re: Application For Transfer of Application No. 63-2960 in the  
Name of Eagle Sewer District

Place: ID Department of Water Resources, 1301 N. Orchard, Boise  
ID 83706

Date: Tuesday, July 16, 1996

Conducted by: Steve Lester

NAME

ADDRESS

|                        |                         |                   |       |
|------------------------|-------------------------|-------------------|-------|
| Lynne Sedlack          | Eagle Sewer Dist        | 82 E. State Eagle | 83616 |
| Art & Sharon Henderson | 6404 Beacon Light Rd    | Eagle             | 83616 |
| Larry H. Campbell      | 6166 N. Beacon Light Rd | Eagle             | 83616 |
| June Flack             | 4035 N. Hartley Rd      | Eagle Id          | 83616 |
| Mary Taylor            | 3410 Hartley            | Eagle Id.         | 83616 |
| Bill Flack             | 4035 N Hartley Rd       | Eagle Id          | 83616 |
| Jan Combe              | 6440 Beacon Light       | Eagle Id          | 83616 |
| Nancy R Campbell       | 6166 N Beacon Light Rd  | Eagle Id          |       |

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T4828

Eagle Sewer Dist  
(ESD)

7/10/96

JL

- Protest cont -

- clarity  
&  
collect  
info
- ① New p/m NESE written ← correct?  
SENE map
  - ② verify use w.r. last 5 yrs. 1991-1995 seasons  
I.R. photos for old p/m? ✓ if not ESD  
know  
Then - where to go from there?

Applicant Lyone S. for ESD

No ditch for new p/m.

cannot use effluent ponds & new p/m per 1988 reg.  
interior landscape & 3 ac. & perimeter - trees, shrubs,  
not turf; prob. drip system?

Henderson

Lives by old p/m = the old Melton place.

Was previous caretaker & 2 yrs. on " ", used both  
ditch & well water, says took all present water  
to irrig. this 20 ac. parcel.

Deverese in & old p/m will develop land in there  
develop his land.

Has 9 ac. on west side, sprinkler in <sup>SEP 12 1996</sup> his well.

No dirt H2O - never was available his land.

### Campbells

E. side old pl., c 20 ac. parcel - so adjoins  
" " id the 40 ac. Q.Q.

Lived there c 1980, shared rotation w/ ESD, problems  
getting them their proper rotation.

Has benefited from waste water effects via well  
(indirect benefit).

No in well their place.

Some  
progress  
here &  
meeting

→ Apple agrees to better coord. w/ Campbells to  
improve equity of rotation (shared left w/  
ESD + Campbells)

### Combe

W. of old pl.

No dirt H2O.

O/I well only, includes yard.

Concern c dry up 3 ac - weeds etc., desolve  
land, fire hazard, etc.

### Flarks

c 1/4 mi. W. old pl.

SEP 12 1996

Everyone  
agrees

→ All land v. sandy this area, takes lots H2O

Concern c total well use, rotation or income etc.

Pending cond. use permit c ADA Co. Comm - requests  
work ~~delay~~ delay until C.U.P. issue resolved.

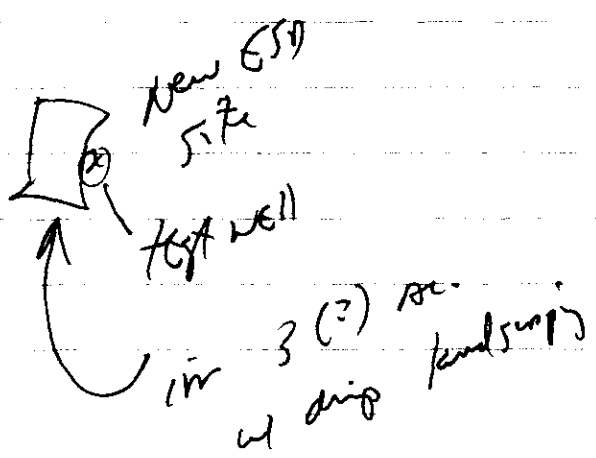
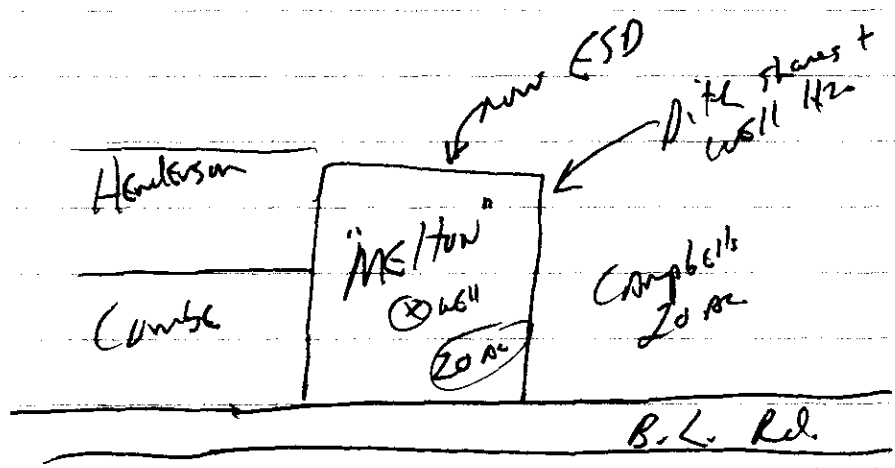
Taylor (Spokesman for protestants)

Not public interest

Devenue in old plan, not good use of water

("Stepping down" in in B.L. not good idea)

Concern e land mgt. practices old + new ESD places



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12 1996

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '\*' ARE ADJUDICATION CLAIMS)  
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

| WR-NUMBER                              | SOURCE        | NE          |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | SUM |    |    |     |     |
|----------------------------------------|---------------|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|----|-----|-----|
|                                        |               | NE          |    | NW |    | SW |    | SE |    | NE |    | NW |    | SW |    | SE |    |     |    |    |     |     |
|                                        |               | Lt          | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac |     |    |    |     |     |
| 6302960                                | T05N R01W S35 | GROUNDWATER |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |     |     |
|                                        | :             |             |    |    |    | :  |    |    |    |    | :  | 20 |    |    |    | :  |    | 20  |    |    |     |     |
| NO MATCHES FOR THIS POU IN AJ-POU-TEMP |               |             |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |     |     |
| A6300120G                              | BOISE RIVE :  | 38          | 38 | 32 | 38 | :  | 37 | 33 | 40 | 40 | :  | 40 | 40 | 38 | 38 | :  | 38 | 40  | 30 | 16 | :   | 576 |
| A6300123C                              | BOISE RIVE :  | 38          | 38 | 32 | 38 | :  | 37 | 33 | 40 | 40 | :  | 40 | 40 | 38 | 38 | :  | 38 | 40  | 30 | 16 | :   | 576 |
| A6300124Q                              | BOISE RIVE :  | 38          | 38 | 32 | 38 | :  | 37 | 33 | 40 | 40 | :  | 40 | 40 | 38 | 38 | :  | 38 | 40  | 30 | 16 | :   | 576 |
| A6300125B                              | BOISE RIVE :  |             |    |    |    | :  |    |    |    |    | :  |    |    |    | :  | 33 | 01 | 11  | 30 | :  | 75  |     |
| A6300125J                              | BOISE RIVE :  | 38          | 38 | 32 | 38 | :  | 37 | 33 | 40 | 40 | :  | 40 | 40 | 38 | 38 | :  | 38 | 40  | 30 | 16 | :   | 576 |
| A6300126B                              | BOISE RIVE :  |             |    |    |    | :  |    |    |    |    | :  |    |    |    | :  | 33 | 01 | 11  | 30 | :  | 75  |     |
| A6300126F                              | BOISE RIVE :  | 38          | 38 | 32 | 38 | :  | 37 | 33 | 40 | 40 | :  | 40 | 40 | 38 | 38 | :  | 38 | 40  | 30 | 16 | :   | 576 |
| A6300161L                              | BOISE RIVE :  |             |    |    |    | :  |    |    |    |    | :  |    |    |    | :  | 33 | 01 | 11  | 30 | :  | 75  |     |
| A6300164E                              | BOISE RIVE :  | 38          | 38 | 32 | 38 | :  | 37 | 33 | 40 | 40 | :  | 40 | 40 | 38 | 38 | :  | 38 | 40  | 30 | 16 | :   | 576 |
| A6300165M                              | BOISE RIVE :  | 38          | 38 | 32 | 38 | :  | 37 | 33 | 40 | 40 | :  | 40 | 40 | 38 | 38 | :  | 38 | 40  | 30 | 16 | :   | 576 |
| A6300198AG                             | BOISE RIVE :  | 38          | 38 | 32 | 38 | :  | 37 | 33 | 40 | 40 | :  | 40 | 40 | 38 | 38 | :  | 38 | 40  | 30 | 16 | :   | 576 |
| A6300205                               | BOISE RIVE :  |             |    |    |    | :  |    |    |    |    | :  |    |    |    | :  | 33 | 01 | 11  | 30 | :  | 75  |     |
| A6300206                               | BOISE RIVE :  |             |    |    |    | :  |    |    |    |    | :  |    |    |    | :  | 33 | 01 | 11  | 30 | :  | 75  |     |
| A6300207                               | BOISE RIVE :  |             |    |    |    | :  |    |    |    |    | :  |    |    |    | :  | 33 | 01 | 11  | 30 | :  | 75  |     |
| A6300248                               | BOISE RIVE :  | 38          | 38 | 32 | 38 | :  | 37 | 33 | 40 | 40 | :  | 40 | 40 | 38 | 38 | :  | 38 | 40  | 30 | 16 | :   | 576 |
| A6300258B                              | BOISE RIVE :  |             |    |    |    | :  |    |    |    |    | :  |    |    |    | :  | 33 | 01 | 11  | 30 | :  | 75  |     |
| A6300259                               | BOISE RIVE :  |             |    |    |    | :  |    |    |    |    | :  |    |    |    | :  | 33 | 01 | 11  | 30 | :  | 75  |     |
| A6300263                               | BOISE RIVE :  |             |    |    |    | :  |    |    |    |    | :  |    |    |    | :  | 33 | 01 | 11  | 30 | :  | 75  |     |
| A6300286                               | BOISE RIVE :  |             |    |    |    | :  |    |    |    |    | :  |    |    |    | :  | 33 | 01 | 11  | 30 | :  | 75  |     |
| A6300288B                              | BOISE RIVE :  |             |    |    |    | :  |    |    |    |    | :  |    |    |    | :  | 33 | 01 | 11  | 30 | :  | 75  |     |
| A6300297                               | BOISE RIVE :  | 38          | 38 | 32 | 38 | :  | 37 | 33 | 40 | 40 | :  | 40 | 40 | 38 | 38 | :  | 38 | 40  | 30 | 16 | :   | 576 |
| 6302406                                | WASTE WATE :  | 39          | 38 | 40 | 39 | :  | 37 | 33 | 40 | 40 | :  | 40 | 40 | 39 | 39 | :  | 39 | 40  | 40 | 38 | :   | 621 |
| A6302406                               | WASTE WATE :  | 39          | 38 | 40 | 39 | :  | 37 | 33 | 40 | 40 | :  | 40 | 40 | 39 | 39 | :  | 39 | 40  | 40 | 38 | :   | 621 |
| A6302960                               | GROUNDWATE :  |             |    |    |    | :  |    |    |    |    | :  |    |    | 20 | :  |    |    |     |    | :  | 20  |     |
| T6302960                               | GROUNDWATE :  |             |    |    |    | :  |    |    |    |    | :  |    |    | 20 | :  |    |    |     |    | :  | 20  |     |
| 6303019                                | GROUNDWATE :  |             |    |    |    | :  | 40 |    |    | 40 | :  | 40 |    |    | :  |    |    |     |    | :  | 120 |     |
| A6303019                               | GROUNDWATE :  |             |    |    |    | :  | 40 |    |    | 40 | :  | 40 |    |    | :  |    |    |     |    | :  | 120 |     |
| 6304088                                | GROUNDWATE :  |             |    |    |    | :  |    | 40 | 40 |    | :  |    |    |    | :  |    |    |     |    | :  | 80  |     |
| A6317468                               | BOISE RIVE :  |             |    |    |    | :  |    |    |    |    | :  |    |    |    | :  | 33 | 01 | 11  | 30 | :  | 75  |     |
| A6317617                               | GROUNDWATE :  |             |    |    |    | :  |    | 40 | 40 |    | :  |    | 40 |    | :  |    |    |     |    | :  | 120 |     |
| A6321729                               | UNNAMED DR :  | 38          | 38 | 32 | 38 | :  | 37 | 33 | 40 | 40 | :  | 40 | 40 | 38 | 38 | :  | 38 | 40  | 30 | 16 | :   | 576 |
| A6321730                               | UNNAMED DR :  | 38          | 38 | 32 | 38 | :  | 37 | 33 | 40 | 40 | :  | 40 | 40 | 38 | 38 | :  | 38 | 40  | 30 | 16 | :   | 576 |
| A6328977                               | BOISE RIVE :  |             |    |    |    | :  |    |    |    |    | :  |    |    |    | :  | 33 | 01 | 11  | 30 | :  | 75  |     |

SEP 12 1996

P 241 820 385

US Postal Service

# Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

|                                                             |                          |
|-------------------------------------------------------------|--------------------------|
| Sent to                                                     | <i>Taylor</i>            |
|                                                             | MARY <del>HARTLEY</del>  |
| Street & Number                                             | <i>3410 Hartley</i>      |
|                                                             | <del>82 E STATE ST</del> |
| Post Office, State, & ZIP Code                              | EAGLE ID 83616           |
| Postage                                                     |                          |
| Certified Fee                                               |                          |
| Special Delivery Fee                                        |                          |
| Restricted Delivery Fee                                     |                          |
| Return Receipt Showing to Whom & Date Delivered             |                          |
| Return Receipt Showing to Whom, Date, & Addressee's Address |                          |
| TOTAL Postage & Fees                                        | \$                       |
| Postmark or Date                                            |                          |

PS Form 3800 April 1995

P 241 820 386

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (*See reverse*)

|                                                             |    |
|-------------------------------------------------------------|----|
| Sent to                                                     |    |
| EAGLE SEWER DIST                                            |    |
| Street & Number                                             |    |
| 82 E STATE ST                                               |    |
| Post Office, State, & ZIP Code                              |    |
| EAGLE ID 83626                                              |    |
| Postage                                                     |    |
| Certified Fee                                               |    |
| Special Delivery Fee                                        |    |
| Restricted Delivery Fee                                     |    |
| Return Receipt Showing to Whom & Date Delivered             |    |
| Return Receipt Showing to Whom, Date, & Addressee's Address |    |
| TOTAL Postage & Fees                                        | \$ |
| Postmark or Date                                            |    |

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

63-2690

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- Return Receipt will show to whom the article was delivered and the date received.

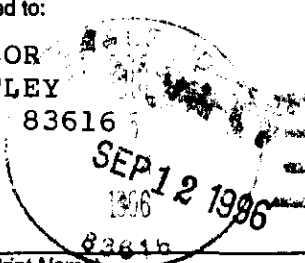
I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

**3. Article Addressed to:**

MARY TAYLOR  
3410 HARTLEY  
EAGLE ID 83616



**4a. Article Number**

P-241 820 385

**4b. Service Type**

- |                                                                    |                                               |
|--------------------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Registered                                | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                              | <input type="checkbox"/> Insured              |
| <input checked="" type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

**7. Date of Delivery**

9-5-96

**5. Received By: (Print Name)**

**8. Addressee's Address (Only if requested and fee is paid)**

**6. Signature: (Addressee or Agent)**

X *[Signature]*

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

**RECEIVED**

**JUL 08 1996**

**WATER RESOURCES  
WESTERN REGION**

**DEPARTMENT OF WATER RESOURCES**

**2735 AIRPORT WAY  
BOISE, IDAHO 83705**

**SEP 12 1996**

Is your RETURN ADDRESS completed on the reverse side?

632960

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date received.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

EAGLE SEWER DISTRICT  
82 E STATE ST  
EAGLE ID 83616

2 1998

4a. Article Number  
P-241 820 386

4b. Service Type

|                                                                    |                                               |
|--------------------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Registered                                | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                              | <input type="checkbox"/> Insured              |
| <input checked="" type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

7. Date of Delivery  
7-8-96

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Addressee or Agent)

X *Maria Mahan*

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

**RECEIVED**

**JUL 09 1996**

**WATER RESOURCES  
WESTERN REGION**

**DEPARTMENT OF WATER RESOURCES**

**2735 AIRPORT WAY  
BOISE, IDAHO 83705**

**SEP 12 1996**

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

|                                 |   |                      |
|---------------------------------|---|----------------------|
| IN THE MATTER OF APPLICATION    | ) |                      |
|                                 | ) |                      |
| FOR TRANSFER OF WATER RIGHT NO. | ) | NOTICE OF CONFERENCE |
|                                 | ) |                      |
| 63-02960 IN THE NAME OF EAGLE   | ) |                      |
|                                 | ) |                      |
| SEWER DISTRICT.                 | ) |                      |
| <hr/>                           |   |                      |

On April 3, 1996, Eagle Sewer District filed with the Department of Water Resources (Department) an application for transfer of a water right. The application was protested by Mary Taylor.

The Department has set the matter of protest for a conference to be held on Tuesday, July 16, 1996, at 10:00 a.m., at the Department of Water Resources, 1301 N. Orchard, 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 Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

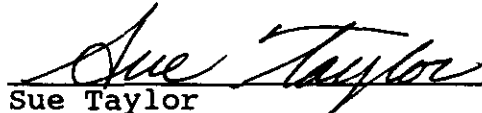
The Department will provide the opportunity for parties to the matter to respond and present information and argument on the issues involved.

Dated this 2<sup>nd</sup> day of July, 1996.

*David R. Tuthill, Jr.*  
DAVID R. TUTHILL, JR., P. E.  
Manager, Western Regional Office

SEP 12 1996

I hereby certify that on the 2<sup>nd</sup> day of July, 1996, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

  
Sue Taylor  
Secretary-Office Coordinator

Certified Mail

EAGLE SEWER DISTRICT  
82 E STATE ST  
EAGLE ID 83616

MARY TAYLOR  
3410 HARTLEY  
EAGLE ID 83616

SEP 12 1996

**CONFERENCE AND HEARING PROCEDURE  
APPLICATION FOR TRANSFER**

**ISSUES**

Section 42-222, Idaho Code, identifies the following potential issues that the department can consider in connection with an application for transfer

- 1) Will the proposed transfer injure other water rights?
- 2) Will the proposed transfer constitute an enlargement in use of the original right?
- 3) Is the proposed transfer in the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
- 4) 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 for issues 1,2 and 4 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 3 above lies with both the applicant and protestant as to factors of 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.

**CONFERENCE**

The purpose of a pre-hearing 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 or make settlement offers, schedule hearings, establish procedure or at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

SEP 12 1996

## **HEARING**

The department will tape record the hearing. Copies of the hearing 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 by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file a petition for reconsideration, exceptions to a recommended 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 by written stipulation, may waive their right to a recommended 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 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.

## **AMERICANS WITH DISABILITIES ACT**

Any hearing scheduled will be conducted in a facility which 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 (10) days prior to the hearing.

SEP 12 1996



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

June 28, 1996

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

MS LYNNE SEDLACEK  
ADMINISTRATIVE MANAGER  
EAGLE SEWER DISTRICT  
82 E STATE ST  
EAGLE ID 83616

**RE: PROTEST CONFERENCE FOR WATER RIGHT NO. 63-02960**

Dear Ms. Sedlacek:

I am responding for Mr. Tuthill to your recent letter in the above-referenced protested water right matter. Mr. Tuthill is involved with a temporary assignment for a few months at the department's State Office, and I am serving as the deputy manager during his absence.

I understand your request to waive the informal protest conference and to move ahead with the more formal hearing process in an attempt to resolve this disputed issue. However, this is not a unanimous request from all of the involved parties. Even if all parties wanted to waive the conference, I am not sure that department rules and Idaho statutes would allow this. In any event, this is a moot point based on the information received at this office to date.

Therefore, a protest conference has been scheduled as shown in the enclosed notice. All parties indicated that the July 16 date would be acceptable.

I look forward to working with you and the protestants to resolve this water right issue in a way that is satisfactory to all of the participants. Please let me know if I can assist you prior to the meeting.

Sincerely,

Steve Lester  
Deputy Regional Manager

c: Mary Taylor for Protestants

SEP 12 1996

## CONVERSATION MEMORANDUM

DATE 6/27/96FILE T. 4828NAME OF PARTY Lynne Sedlacek, Eagle Sense Dist.EMPLOYEE Steve Leth 939-0132RE: RESOLVING PROTESTS PER HER 6/11/96 LETTER

would like to waive prot. conf. & have hearing ASAP,  
per advice of district's attorney. If cannot do this,  
can have prot. conf. 10 a.m. 7/16 (or suggest  
7/15, 7/18-19, 7/22-26). I will call protestants contact  
person to follow up. (= Mary Taylor).

Left msg. with Sharon Henderson 286-7070 after no  
answer & Mary Taylor 288-7575. ~~She~~ Sharon will have  
Mary call me soonest.

6/28/96

Mary Taylor called - does not want to waive conf.,  
thinks it could be valuable. Above suggested time  
is good. Thinks c. 10 ± people will show up from  
protest group.

S.O. - Becky working on upstairs conf. Rm. 10-2:00  
on 7/16 & will let me know.

Then - scheduling ~~meeting~~Becky  
CONFIRMED

SEP 19 1996

7/16 10-2  
upstairs ATB

- file

RECEIVED  
JUN 19 1996  
WATER RESOURCES  
WESTERN REGION

June 17, 1996

David Tuthill   
Manager, IDWR  
2735 Airport Way  
Boise, Idaho 83705

Re: Water Right #63-02960 transfer #4828

Dear Mr. Tuthill:

Eagle Sewer District states in a letter dated June 11, 1996, "It is very distressing to learn our neighbors filed a protest". In fact, it was amusing to the district, not distressing, as the issue was discussed on June 10, 1996. The misuse of natural resources, such as water and land, by the ESD for the past 12 years is not amusing to those of us who have had to live with their mistakes.

The landscaping project, put in 12 years AFTER the basins and 2 months BEFORE a hearing before the Ada County Planning and Zoning Department on expansion in our neighborhood [an effort that has been denied 3 times], was not done as a "good faith token to neighbors". It was done as a last ditch effort to "show, impress, convince" PAZ to approve expansion. The neighbors, in fact, expressed in public meetings the inappropriateness of the landscaping, and that the money would be better spent on sewage treatment. The ESD expressed it best themselves, "what's the sense in landscaping something nobody can see". But they proceeded with the project for Ada County commissioners to "show that we are sincere".

At the time the project was being discussed [Feb 26, 1996], ESD was very aware they had no way to water it. But, needing to do something to "convince" the Ada County commissioners, they put in the landscaping with no irrigation plans in place.

We have been prepared to discuss this issue with the ESD, but they have made no effort to do so. Thirteen years ago, when the ESD moved secondary treatment into our backyards, concerns were expressed. Those concerns were overlooked. Time has proven them valid. We are once again expressing concerns about the ESD's exploitative use of natural resources, both water and land, to achieve other purposes. We believe very strongly the transfer of these water rights off of 6390 Beacon Light Road will adversely impact both that property and surrounding

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SEP 12 1996

neighbors'. In addition, the Monitoring Well #5 to which these rights are to be transferred is the only MW between the treatment ponds and the nearest neighbor [150 feet]. Using that well for irrigation could skew the ability of that well to give accurate results on the effect of sewage treatment in our backyards.

Having become "experts" on the ESD's operations over the last 13 years, we are very concerned this transfer is not consistent with the conservation of water OR land resources, and certainly is NOT in the local public interest in any way [Idaho Code 42-222 paragraph #2]. We appreciate that the IDWR would be willing to listen to our concerns.

Sincerely,

A handwritten signature in cursive script that reads "Mary Taylor".

Mary Taylor  
3410 Hartley  
Eagle, Idaho 83616  
286-7575

c:ESD

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JUN 13 1996

WATER RESOURCES  
WESTERN REGION



EAGLE  
SEWER  
DISTRICT

82 East State Street • Eagle, ID 83616  
Phone (208) 939-0132 • Fax (208) 939-8986

June 11, 1996

  
David R. Tuthill, Jr., P.E.  
Manager, Western Regional Office  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082

Re: Water Right #63-02960, Transfer #4828

Dear Mr. Tuthill:

It is very distressing to learn our neighbors filed a protest on our request for a water right transfer. We planted the landscaping at our rapid infiltration basins (RIB) as a good faith token to our neighbors. Adequate irrigation is necessary to sustain this improvement.

Regardless of the District's expansion plans, the existing basins are in place, and will most likely remain in place, for at least three more years. Our Land Application Permit issued by the Idaho Division of Environmental Quality (DEQ) dictates a 50-foot buffer area between our property line and the basins. The landscaping is within this buffer area; therefore, we cannot use the effluent water.

The District currently has five monitoring wells at the RIB site. With DEQ approval, we decided to use well #5 for the landscaping sprinkler system. The District may eventually landscape the entire perimeter of our basin site. Our landscape architect calculated the estimated water requirement based on that assumption. We do not feel we have asked for more water than we will eventually need.

The District's property at 6390 W. Beacon Light Road holds 1.37 shares of irrigation water with the Farmer's Union Canal Company (Certificate Copy Enclosed). Using 1996 flow calculations, this equates to more than 16 inches of water. There are approximately 17 acres being irrigated with both the Farmer's Union water and the irrigation well. Transferring 28 cfs from this property's existing water right will not affect our ability to irrigate our pasture and hayfields adequately.

SEP 12 1996

David R. Tuthill, Jr., P.E.  
Idaho Department of Water Resources  
June 11, 1996  
Page 2

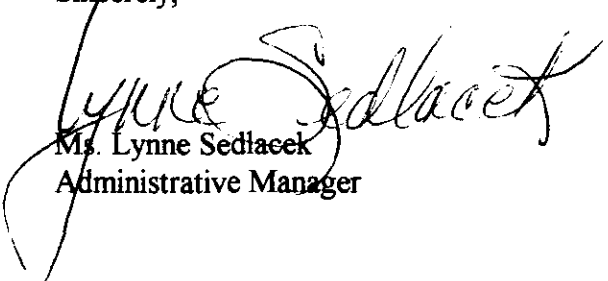
Eagle Sewer District has also reviewed Idaho Code Section 42-222. We do not feel our request conflicts with this code section. There will be no adverse effect on our property, or the property of any other individual in the area.

As Mary Taylor explained in her protest, the property at 6390 W. Beacon Light Road has been the subject of great controversy. Our District will not be able to satisfy the protestants until we move our facility out of the area. The District has every intention of moving our facility, but, as you can well imagine, this move will require approval from several different entities, and will not happen overnight.

It is Eagle Sewer District's opinion that a conference with the protestants will not reveal any new information. It is our experience that the protestants will not be willing to negotiate or compromise on this issue. Our attorney has advised our District to contact IDWR and request we waive the conference as a futile attempt, and move directly to a formal hearing.

Please notify our office if it is possible to move directly to the formal hearing.

Sincerely,



Ms. Lynne Sedlacek  
Administrative Manager

Enclosure

c: Mary Taylor

SEP 12 1996

For property located at 6390 W.  
Beacon Light Road, Eagle, ID  
83616.

RECEIVED

JUN 13 1996

WATER RESOURCES  
WESTERN REGION

SEP 12 1996



For Value Received, \_\_\_\_\_ hereby sell, assign, and transfer  
unto \_\_\_\_\_

\_\_\_\_\_ Shares  
of the Capital Stock represented by the within  
Certificate, and do hereby irrevocably constitute and appoint  
\_\_\_\_\_ Attorney  
to transfer the said Stock on the books of the within named  
Corporation with full power of substitution in the premises.

Dated \_\_\_\_\_ 19 \_\_\_\_\_

In presence of \_\_\_\_\_

NOTICE: THE SIGNATURE OF THIS ASSIGNMENT  
MUST CORRESPOND WITH THE NAME AS WRITTEN UPON THE  
FACE OF THE CERTIFICATE, IN EVERY PARTICULAR WITHOUT  
ALTERATION OR ENLARGEMENT OR ANY CHANGE WHATSOEVER.



NUMBER

138

SHARES

# Farmers' Union Ditch Co., Ltd.

This Certifies That

Eagle Sewer District

is the owner of

One and 37/100ths

Shares of the Capital Stock of

Farmers' Union Ditch Co., Ltd.

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed this 24th day of January A.D. 1995.

*[Signature]* *[Signature]*

SHARES

138

EACH

RECEIVED

JUN 06 1996

WATER RESOURCES  
WESTERN REGION

# The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

## LEGAL ADVERTISING INVOICE

|                                                                                                                    |             |                                                                              |                   |              |
|--------------------------------------------------------------------------------------------------------------------|-------------|------------------------------------------------------------------------------|-------------------|--------------|
| Account Number                                                                                                     |             | Identification                                                               |                   | Amount Due   |
| 047628                                                                                                             |             | NOTICE OF PROPOSED CHANGE OF WATER RIGHT<br>NO. 63-02960 / TRANSFER NO. 4828 |                   | \$78.00      |
| Ordered By                                                                                                         | P.O. Number | Rate                                                                         | Run Dates         |              |
| Sue Taylor                                                                                                         |             | TT                                                                           | May 16 & 23, 1996 |              |
| Sue Taylor<br>IDAHO DEPARTMENT OF WATER RESOURCES<br>Western Region<br>2735 Airport Way<br>Boise, Idaho 83705-5082 |             |                                                                              | Estimated Inches  | Real Inches  |
|                                                                                                                    |             |                                                                              | = Affidavits      | Legal Number |
|                                                                                                                    |             |                                                                              | 1                 | 5004         |

### LEGAL NOTICE

#### NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 63-02960 TRANSFER NO. 4828

Notice is hereby given that Eagle Sewer District of Eagle, Idaho has applied to the Department of Water Resources for a point of diversion and change of place of use under the following described water right: pursuant to section 60-108 of Idaho Code.

#### WATER RIGHT NO. 63-02960

Applicant: Eagle Sewer District

License: 63-02960

Date of Priority: 3-23-1953

Place of Diversion: Ground Water

Place of Use: Irrigation and domestic

Point of Diversion: SWSW 33S, T4N R01W, Ada County

Place of Use: 20 acres in SWSW 33S, T4N R01W

Point of Diversion: SWSW 33S, T4N R01W, Ada County

Place of Use: 17 acres in SWSW 33S, T4N R01W and 3 acres in NESE 33S, T4N R01W

Point of Diversion: SWSW 33S, T4N R01W, Ada County

Place of Use: 17 acres in SWSW 33S, T4N R01W and 3 acres in NESE 33S, T4N R01W

Point of Diversion: SWSW 33S, T4N R01W, Ada County

Place of Use: 17 acres in SWSW 33S, T4N R01W and 3 acres in NESE 33S, T4N R01W

Point of Diversion: SWSW 33S, T4N R01W, Ada County

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Place of Use: 17 acres in SWSW 33S, T4N R01W and 3 acres in NESE 33S, T4N R01W

Karl J. Dreher, Director

5804

LINDA PORTER

, 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 ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of MAY 16, 19 96

and ending with the issue of MAY 23, 19 96

Linda Porter

STATE OF IDAHO )

ss.

COUNTY OF ADA )

On this 23rd day of MAY in the year of 1996, before me, a Notary Public, personally appeared LINDA PORTER, 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: 11-27-99

SEP 12 1996



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

June 4, 1996

PHILIP E. BATT  
GOVERNOR

MARY TAYLOR  
3410 HARTLEY  
EAGLE ID 83616

KARL J. DREHER  
DIRECTOR

Re: Application for Transfer of Water Right No. 63-02960 in the  
Name of Eagle Sewer District

Dear Protestant:

This office acknowledges receipt of your protest to the approval of the above-referenced application for transfer. The following are the principle items we can consider with respect to either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

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.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. 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.

If we may be of assistance, please contact us.

Sincerely,

DAVID R. TUTHILL, JR., P.E.  
Manager, Western Regional Office

DRT:st

SEP 12 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

June 4, 1996

EAGLE SEWER DIST  
82 E STATE ST  
EAGLE ID 83616

Re: Application for Transfer of Water Right No. 63-2960

Dear Applicant:

Enclosed please find a copy of the protest(s) filed against the above-referenced application. You should be aware that the following are the items we can consider at a conference in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The Department suggests you contact the protestant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. 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.

If we may be of assistance, please contact us.

Sincerely,

DAVID R. TUTHILL, JR., P.E.  
Manager, Western Regional Office

DRT:st

Enclosure



*Photographs  
Attached*

# STATE OF IDAHO DEPARTMENT OF WATER RESOURCES NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 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 the same information.

Water Right No. 63-02960 Transfer No. 4828

1. Matter being protested Application for transfer of water rights by Eagle Sewer
2. Name of protestant Neighborhood property owners (SEE ATTACHED)
3. Protestant's representative for service (If different than protestant)  
Mary Taylor
4. Service mailing address 3410 Hartley Eagle, Idaho 83616
5. Service telephone no. 286-7575 or Sharon Henderson 286-7070
6. Basis of protest (including statement of facts and law upon which the protest is based)
  - A. The property at 6390 Beacon Light has been the subject of 3 hearings and heated controversy. Until the issues in question are resolved, this property should not be allowed to have its water rights compromised.
  - B. The property owned by the ESD to which these water rights are to be transferred is currently receiving approximately 880,000 g/d of effluent water from the ESD pretreatment plant. There is an excess of water on the sight to which there is a transfer request.  
(additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? any decision be postponed until the outcome of this property is determined. A fourth hearing is scheduled for 6-5-96.  
It is possible that hearing may be postponed.

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 2 day of June, 19 96.

Neighboring Property Owners  
PROTESTANT

X

Mary Taylor  
PROTESTANT'S REPRESENTATIVE

SEP 12 1996

**NOTE:**

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

---

**INSTRUCTIONS**

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. \_\_\_\_\_ in the name of \_\_\_\_\_" or "Application for Transfer No. \_\_\_\_\_ in the name of \_\_\_\_\_."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

---

**FOR DEPARTMENT USE ONLY**

Received by JZ Date 6/3/96 Time 12:35 p.m.  
\$25.00 fee Received by JZ # W020956 Date 6/3/96

SEP 12 1996

C. The ESD purchased the property at 6390 Beacon Light in January of 1995. It has been trying to expand sewage treatment onto this sight, but has been unsuccessful in three attempts. If this property can not be used by the ESD, it is of no use to them and will probably be resold. In that case, it is undesirable for the buyer because there will not be enough water to irrigate the entire 20 acres. Transferring these water rights will leave part of this property to grow up in weeds and sagebrush. This piece of ground is surrounded by agricultural land and it would be detrimental to all the surrounding fields.

D. The ESD does not NEED to transfer water, since excess water on the 40 acre transfer sight is the problem. Kuna Sewer District waters their landscaping by the use of their effluent. ESD is capable of doing the same. (pictures of both are enclosed)

E. There is concern by all of the neighboring property owners because the ESD is asking to transfer much more water than is necessary for what they say they need. The entire request is viewed with suspision by all who have had dealings with the ESD and these 2 pieces of property

F. All of the undersigned individuals would request a great deal more information before this request is reviewed. The landscaping was put in with no regard for how it would be water. When the subject was mentioned to the ESD Bd. of Dir., no decisions were made. Now that the project is completed is a poor time to be trying to find water to irrigate it at the expense of another piece of porperty.

G. After looking over Idaho Code - this transfer request is a violation of  
42-222

SEP 12 1996

We, the surrounding property owners of 6390 Beacon Light Road, are opposed to the Eagle Sewer District's request to transfer water rights from the above property to their 40 acre sight 1/4 mile south.

| NAME               | ADDRESS                                        | PHONE    |
|--------------------|------------------------------------------------|----------|
| Larry R. Campbell  | 6166 W. Beacon Light Rd,<br>Eagle, Idaho 83616 | 939-0977 |
| Art Henderson      | 6404 W Beacon Light Rd<br>Eagle Idaho 83616    | 286 7070 |
| Jerry Taylor       | 3410 Hartley<br>Eagle Idaho 83616              | 286 7575 |
| Kim E. Bell        | 7010 W BEACON LIGHT RD<br>EAGLE, ID 83616      | 286-7936 |
| Bill Flack         | 4035 N Hartley Rd.<br>Eagle, Id. 83616         | 286-7392 |
| June Flack         | 4035 N. Hartley Rd<br>Eagle - Id 83616         | 286-7392 |
| Jan Corbe          | 6440 Beacon Light<br>Eagle, Id 83616           | 286-7174 |
| Nancy R Campbell   | 6166 W Beacon Light Rd<br>Eagle, Id 83616      | 939-0977 |
| Shore Bros         | 6404 W Beacon Light Rd<br>Eagle Idaho 83616    | 286 7070 |
| Dana and Vic Rudy  | 5926 Floating Feather Eagle Id 83616           |          |
| Del + Robyn Marton | 6814 W BEACON LIGHT RD 83616                   |          |

SEP 12 1996

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

REVIEWER should  
get JAN'S  
OK on this  
form

APPLICANT Eagle Sewer Dist

TRANSFER NO. 4828

INITIAL ALLOCATION REVIEW BY cjl  
SRBA SUPERVISOR REVIEW BY \_\_\_\_\_

DATE 5/6/96  
DATE \_\_\_\_\_

1. Right number(s) 63.2960

2. Type of right  
☐ Decree ☒ License ☐ Statutory Claim  
☐ SRBA Beneficial Use Claim

3. Purpose of transfer  
☐ Change P/D ☒ Add P/D ☐ Change P/U  
☐ Change N/U ☐ Change Source ☐ Split Right  
☐ Other: \_\_\_\_\_

4. Check Existing Right:  
☒ Source ☒ Priority ☐ Amount ☐ Purpose  
☒ Period ☒ SRBA Claim  
☒ Description of original point(s) of diversion  
☒ Description of original place of use  
☒ Overlapping rights on original place of use 63.2406

5. Check Proposed Right for amount of land &/or water transferred:

\_\_\_\_ Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred Solicited 5/6/96 (Lynn) will forward.
- h. ☒ Expansion in use of right - Comments: Acresage reduced @  
original P/U. No expansion

- i. / Existing rights from same source, on land water is being transferred to; right number(s): NONE - There is surface water from NewDry CK & Drainage Dist #2
- j. / SRBA claim(s) - Comments (**NOTE!** Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) Claimed as recorded. owner = Melton.  
Eagle Sewer has purchased all 20 ac.
- k. / Use within a Water District? No Yes / No (G.W.)  
If Yes, District # 28
- l. / Other comment letters? If yes, list name and address below in item #2 for publication review.

## PUBLICATION REVIEW BY \_\_\_\_\_

1. Legal Notice electronically sent to DWR03::VAULT ☒ Yes
2. COMMENT LETTERS ☐ No

Watermaster recommendation requested on \_\_\_\_\_, Received on \_\_\_\_\_

Other comments letters - send to the following name(s) & address(es):

3. Transfer published correctly?                         Yes            No
4. Affidavit of publication received?                Yes            No
5. Protests received?        Yes            No;      Acknowledgement sent?        Yes
6. Copies made for Region file (see attached supplemental page)?        Yes

## RECOMMENDED ACTION

1.        Approve
2.        Deny due to \_\_\_\_\_  
\_\_\_\_\_
3. Conditions (special conditions in Water Districts) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. By \_\_\_\_\_ Date \_\_\_\_\_



ADA CO RECORDER  
J. DAVID HAVARRO  
BOISE ID

## WARRANTY DEED

FIRST AMERICAN TITLE CO.

95 JAN 12 PM 4 07

FEE 3.00 DLP Jackson  
RECORDED AT THE REQUEST OF

For Value Received

Lonna Melton, a widow

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

Eagle Sewer District, a quasi-municipal agency

hereinafter referred to as Grantee, whose current address is

6390 West Beacon Light Rd., Eagle, ID 83616

the following described premises, to-wit:

The West half of the Southwest Quarter of the Southwest Quarter of Section 35,  
Township 5 North, Range 1 West, Boise Meridian, Ada County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: January 11, 1995.

Lonna Melton  
Lonna Melton

RECEIVED

MAY 08 1996

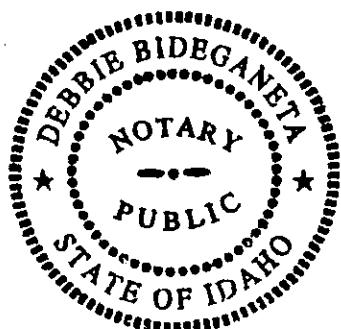
WATER RESOURCES  
WESTERN REGION

STATE OF IDAHO )

ss.

COUNTY OF ADA )

On This 12th day of January, in the year 1995, before me, a Notary Public in and for said State, personally appeared Lonna Melton, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged to me that she executed the same.



Debbie Bideganeta  
Notary Public of Idaho  
Residing at Boise, ID  
Commission expires: 4-23-98

SEP 12 1996

First American Title Company of Idaho

RESOLUTION 95-2

RECEIVED

MAY 08 1996

WATER RESOURCES  
WESTERN REGION

The Board of Directors of the Eagle Sewer District

WHEREAS, the Eagle Sewer District has for some time been seeking real property with suitable soil conditions to permit the installation of needed rapid infiltration basins; and

WHEREAS, suitable property for such purposes has been located in W1/2S W1/4 SW1/4, Township 5 North, Range 1 E.B.M., hereinafter referred to as the "Subject Property"; and

WHEREAS, the Subject Property is owned by <sup>Lonna</sup>~~Lana~~ Melton, who has agreed to sell it to the District for the sum of Two Hundred Thousand Dollars (\$200,000.00) cash at closing, free and clear of all liens and encumbrances; and

WHEREAS, the Board of Directors of the Eagle Sewer District desires to consummate the purchase as expeditiously as possible, closing on or before January 30, 1995;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Eagle Sewer District that said District acquire the Subject Property, free and clear of all liens and encumbrances, with the exception of 1995 real property taxes which will not, at closing, be due and owing, and which will be assumed by the seller to the date of closing, for the total purchase price of \$200,000.00, to be paid at closing, which shall occur on or before January 30, 1995; and

BE IT FURTHER RESOLVED that Mr. Chuck Ferguson, Chairman of the Board of Directors of the Eagle Sewer District be, and that he hereby is, authorized and empowered on behalf of the District to acquire the Subject Property for \$200,000.00, and in connection therewith to sign, execute, deliver and record any and all documents and instruments reasonably required to consummate the acquisition, and to pay from the resources of the District, the entire purchase price and related expenses at closing.

Adopted by the Board of Directors of the Eagle Sewer District this 9th day of January, 1995.

Chuck Ferguson  
Chuck Ferguson, Chairman  
Board of Directors

SEP 12 1996

ATTEST:



Lynne Sedlacek, Secretary

12219411.JER

SEP 12 1996

NOTICE OF PROPOSED CHANGE OF  
WATER RIGHT NO. 63-02960  
TRANSFER NO. 4828

Notice is hereby given that Eagle Sewer District of Eagle, Idaho have applied to the Department of Water Resources to add a point of diversion and change place of use under the following described water right(s) pursuant to section 42-222 of Idaho Code.

WATER RIGHT(S) AS RECORDED

|                  |                                 |
|------------------|---------------------------------|
| Right No.        | 63-02960                        |
| Claim No.        | A63-02960                       |
| Basis            | License                         |
| Date of Priority | 9-23-1953                       |
| Source           | Ground water                    |
| Amount           | 0.28 cfs                        |
| Use              | Irrigation and domestic         |
| Point of Div     | SWSW S35, T05N R01W, Ada County |
| Place of Use     | 20 acres in SWSW S35, T05N R01W |

TO BE CHANGED AS FOLLOWS:

|              |                                                                    |
|--------------|--------------------------------------------------------------------|
| Point of Div | SWSW S35, T05N R01W, and SENE S03, T04N R01W, Ada Co.              |
| Place of Use | 17 acres in SWSW S35, T05N R01W and 3 acres in NESE S03, T04N R01W |

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest fee of \$25.00, on or before June 3, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the IDAHO STATESMAN on May 16 and 23, 1996.

SEP 12 1996

November 24, 1981

RE: License No. 63-2960

Mr. Alvin L. Melton  
Route #1  
Eagle, ID 83616

Dear Mr. Melton:

Enclosed please find a copy of Water Right License No. 63-2960. As Mr. Castelin explained to you a water right license is appurtenant to the land on which it is licensed. Should you have any questions regarding this water right, please feel free to contact our office.

Sincerely,

KAY WALKER  
Sr. Clerk

KW:k  
Enclosure

November 19, 1958

Re: Permit No. G-24497  
Howard K. & Jessie E. Allinger

Mr. Howard K. Allinger  
Route #1  
Eagle, Idaho

Dear Mr. Allinger:

Enclosed is the Certificate of Completion of Works and the  
License and Certificate of Water Right issued under Permit  
No. G-24497, also, departmental receipt #G-3709 for fees.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

Chief Clerk

EPR:nls  
Enc. (3)

*G-24497*

November 4, 1958

Re: Permit No. G-24497  
Howard K. & Jessie E. Allinger

Mr. Howard K. Allinger  
Route #1  
Eagle, Idaho

Dear Mr. Allinger:

Our field engineer's report on his inspection of the completion of works and beneficial use of the water under the terms of Permit No. G-24497 shows that the well is capable of conveying 14 miners inches (.28 c.f.s.) of water for irrigation of 20 acres.

Upon receipt of the statutory fees, totaling \$7.00, we will issue the Certificate of Completion of Works (for which the fee is five dollars) and the License and Certificate of Water Right (two dollars—based at the rate of two dollars for each 40-acre subdivision) confirming the right with priority of September 23, 1953, to the use of .28 second foot of subterranean water, with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 35, for irrigation of 20 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 35, Township 5 North, Range 1 West, B.M.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

Chief Clerk

EPR:nls

A 24497

For permit No. ~~24~~- 24497 24497

Completion of worker Certificate on  
navigation will. Mrs Allinger

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO  
**REPORT OF ENGINEER**

Permit No. 24497This proof is for Completion of Works & Beneficial Use In Water District No. \_\_\_\_\_

1. Name of applicant Howard K. & Jessie E. Allinger
2. Source of water supply: Subterranean flow from a well
3. Location of point of diversion: Is in the W<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub> of Section 35, Twp. 5 N., Rge. 1 W., B. M. of Section 35, Twp. 5 N., Rge. 1 W., B. M. County of Ada

4. Describe works as they exist, giving dimensions and capacities of same: Well 8" x 78'

Smith Way motor 10 Hp 220 V # 72495 Jacuzzi  
Vertical turbine # T 129A E + M controls  
4" x 64' column 7-4" bowls

5. Water is used for: irrigation and domestic

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

20 acres in SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of Sec. 35, Twp. 5 N., Rge. 1 W., B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Accompanied by Jessie & Howard Allinger  
This place allows for a water right from former  
Union for 1.35 shares 7 inches per share

This examination was made on the 15 day of September, 1958

(Signed)

David R. Stevenson

Examiner.

24497

Howard K & Jessie E. Allinger  
Rt. #1, Eagle, Idaho

Permit No. G-24497

46764

Examination for Completion of Works & Beneficial Use

County Ada

35-5N.-1W.

G = 0.4 c.f.s.

S = Well

P.L. = 2 SW 1/4 SW 1/4, Sec. 35, T. 5N. - R. 1W

Use = Irrigation & Domestic

Filed = Sept. 23, 1953

Due = Sept. 29, 1958

1.35 shares T. 1N. 1E. share

Water for 17 acres from Farmer's  
Union

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use: carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED  
OCT 30 1958

Department of Reclamation

Smith Way motor  
10 Hp 220V # 72495

Lucy turbine  
# T 1294

8" x 78' well

E & M controls

4" x 64' column

7-4" bowls

4" discharging int

4" aluminum main  
lines

3' rows later 14-40' later

14 rainbow sprinklers

3/16 x 1/8 nozzles

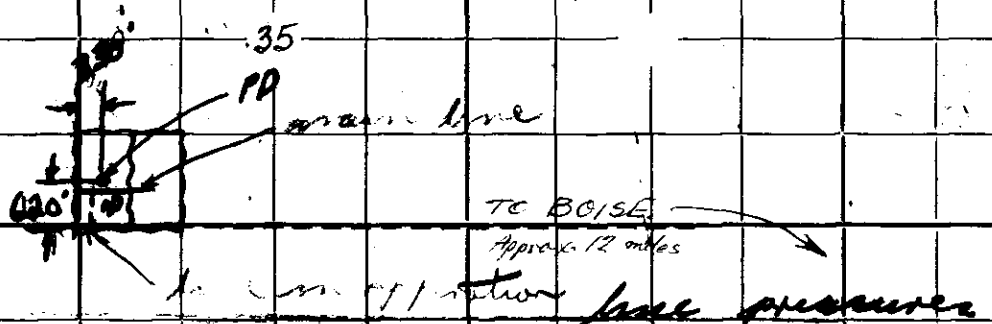
short 4 nozzles for  
complete set

4" Were Aluminum Man here  
running east and west from pump  
for a total length of  $\frac{1}{8}$  mile

This pump usually pumps for 1 sprinkler line with 14 sprinkler heads to the south and 18 sprinkler heads to the north of main line at time of inspection 14 sprinkler heads were in operation.

14 -  $\frac{1}{2} \times \frac{3}{16}$  random ~~rough~~ <sup>small</sup> in operation at time of inspection

T.  
5  
N.



description: 1 main center end  
 Area = 20 acres 37 36 36  
 $\phi = 14$  inches  
 28 f. line running down hill from main line

~~10x10x550x60~~  
40  
138  
178

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. G-24497

REPORT ON PROOF OF Completion of Works & Beneficial Use

Howard K. and Jessie E. Allinger, Rt. #1, Eagle, Idaho

August 21, 1958

RE: Permit No. G-24497

Howard K. Allinger  
Route #1  
Eagle, Idaho

Dear Mr. Allinger:

We acknowledge receipt of the Deposition of the Holder and two witnesses, also affidavit of publication in The Idaho Daily Statesman, all submitted in proof of completion of works and beneficial use on Permit No. G-24497.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

Chief Clerk

EPR

24497

RECEIVED  
AUG 18 1958  
Department of Reclamation

STATE OF IDAHO, }  
COUNTY OF ADA } ss.

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

four ~~non~~-consecutive insertions, beginning with the  
issue of July 15, 19 58, and ending with the  
issue of August 5, 19 58.

*Edith Ferguson*  
Subscribed and sworn to before me this 14th day of

August, 1958.

*[Signature]*  
Notary Public for Idaho, Residing at Boise, Idaho

1524497

NOTICE OF PROOF OF  
COMPLETION OF WORKS  
The notice was published in the  
Idaho Daily Statesman, a daily newspaper  
printed and published at Boise, Ada County,  
State of Idaho, and having a general circula-  
tion therein and which said newspaper has been  
continuously and uninterruptedly published in  
said County during a period of twelve consecu-  
tive months prior to the first publication of the  
notice, a copy of which is attached hereto; that  
said notice was published in the regular edition  
of The Idaho Daily Statesman for four non-con-  
secutive insertions, beginning with the issue  
of July 15, 1958, and ending with the issue  
of August 5, 1958.

Witness my hand and the seal of my office  
this 14th day of August, 1958.

*[Signature]*  
Notary Public for Idaho, Residing at Boise, Idaho

CHAS. N. CHAFFIN,  
State Reclamation Engineer.  
At—July 18, 22, 28, Aug. 5.

**STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO**

**RECEIVED**  
AUG 14 1958  
Department of Reclamation

✓  
Permit No. G-24497

## Proof of Application of Water to Beneficial Use

### Deposition of Holder and Completion of Works

**Ques. 1. State your name, residence, occupation and postoffice address.**

**Ans.** Howard K. and Jessie E. Allinger, Rte. 1, Eagle, Idaho  
Ditch Rider

**Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.**

**Ans.** no

**Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.**

**Ans.** G-24497 Sept. 23, 1953 → 9-29-53

**Ques. 4. State source of water supply and give exact location of point of diversion.**

**Ans.** Subterranean flow from well, West  $\frac{1}{2}$  of SW $\frac{1}{4}$ , of the SW $\frac{1}{4}$ , Sec. 35,  
T. 5 N., R. 1 W., EM, County of Ada

**Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.**

**Ans.** Well, 8" casing, 87 ft. Deep, 40 ft. to water  
Supplemental right, 1.35 shares of Farmers Union ditch at 7" per share  
Pumps .40 cu. ft. per second

**Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.**

**Ans.** Irrigated, 20 acres SW. SW, Sec. 35, T. 5 N. - R. 1 W.

24497

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. none

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. none

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. \_\_\_\_\_

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Used for three years, for irrigation

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. none

~~(Witnesses)~~

(Sign)

Howard K. Allinger

I hereby certify that the foregoing testimony was read to the above subscribed before his signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Eagle County of Ada

State of Idaho, on this 13th day of August, A. D. 1958.

Lloyd Z. Jeff  
Notary Public

My commission expires April 12, 1961

824497

AFFIDAVIT

I Lloyd Z. Jeff, Notary Public, was open for business all day August 12, 1958 from 8:AM to 5:PM and received no protests either by mail or verbal regarding Permit No. G-24497. Proof was taken one day late due to delay of the mail.

Lloyd Z. Jeff  
Lloyd Z. Jeff signed  
Notary Public

**RECEIVED**  
AUG 14 1958  
Department of Reclamation

Signed before me as a Notary Public  
Helen Ellison

S 24497

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
AUG 14 1958  
Department of Reclamation

Permit No. G-24497

**Proof of Application of Water to Beneficial Use**

**Deposition of Witness and Completion of Works**

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Bill Behr Age 45 Eagle Idaho Box 96  
Service Station Owner.

Ques. 2. Are you acquainted with \_\_\_\_\_, the holder of Permit No. G-24497 ? How long have you known him and where does he reside?

Ans. 8 years Rt. 1 Eagle Idaho

Ques. 3. Have you read or heard read said Permit No. G-24497, and are you familiar with its provisions and conditions?

Ans. yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. subterranean flow from well, N 1/4 SW 1/4 Sec. 35  
I.S.N.R.I.W.B.M. pipe

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. .40 cu. ft. per second (.40 cu. ft. per second)

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. About 8 gallons per minute per sprinkler and 17 sprinklers

24497

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation + Domestic

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. none

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sandy loam - about 1" per acre

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. date my observation the crops indicate beneficial use

(Signed)

One Bear

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Eagle, County of Ada, State of Idaho, on this 13th day of August, A. D. 1958.

Lloyd F. Jeff  
Notary Public.

My commission expires April 12, 1961

24497

**STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO**

**RECEIVED**  
AUG 14 1958  
Department of Reclamation

Permit No. G-24497

**Proof of Application of Water to Beneficial Use  
Deposition of Witness and Completion of Works**

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Heber C. Kimm, 63, Eagle R. Idaho Farmer

Ques. 2. Are you acquainted with \_\_\_\_\_, the holder of Permit No. G-24497? How long have you known him and where does he reside?

Ans. 4 yrs. Eagle Idaho

Ques. 3. Have you read or heard read said Permit No. G-24497, and are you familiar with its provisions and conditions?

Ans. yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Subterranean flow from well, w. 1/2 of S. W. 1/4 of S. W. 1/4, Sec. 35, T. 5 N., R. 1 W., B. M. Piped

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. .40 cu ft. per sec.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. About 8 gallons per minute per sprinkler and 17 sprinklers

J24497

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation & Domestic

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. none

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. sandy loam  
1700 acres

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. no

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. during growing season to full extent of  
pumps

(Signed)

Walter E. Kinn

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Eagle, County of Ada, State of Idaho, on this 13th day of August, A. D. 1958.

Lloyd F. Hoff  
Notary Public.

My commission expires April 12, 1961

24497

~~XXXXXXXXXX~~

August 12, 1958

Re: Permit No. G-24497  
Howard K. and  
Jessie E. Allinger

Mr. Lloyd Neff  
Eagle, Idaho

Dear Mr. Neff:

As per our telephone conversation today in which you stated that Messrs. Howard K. and Jessie E. Allinger were in your office to day to make proof on the above stated permit, but that they had not received the required depositions, we are therefore mailing you a new set today.

It is important that the enclosed depositions be executed before you by the permit holders and their two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder. Since it was impossible to take the depositions at the time specified, the affidavit which I requested over the telephone will take care of that.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions (Holder and two Witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

Mrs. Edna P. Rutledge  
Chief Clerk

EPR:lw  
Encls. (3)

824497

July 11, 1958

Re: Permit No. G-24497

Messrs. Howard K. and Jessie E. Allinger  
Rt. # 1  
Eagle, Idaho

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use, under Permit No. G-24497, to be made at Eagle, Idaho, on the 12th day of August, 1958, at 3:00 P. M. before Lloyd E. Neff, Notary Public.

As of this date, we have mailed the Notice to the Idaho Daily Statesman, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then to mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses, who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, at the time and before the Notary as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each, and that all depositions (Holder and two Witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

Geo. M. Carter  
State Reclamation Engineer  
By

Mrs. Edna P. Rutledge  
Chief Clerk

EPR:lw  
Encls. (3)  
cc: Lloyd F. Neff  
Notary Public

24497

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

Re: Permit No. G-24497  
Howard K. and Jessie E. Allinger

Date: July 11, 1958

Idaho Daily Statesman  
Boise, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **August 12, 1958** the date set for proof; the expense of the publication is to be paid by the applicant, 's Howard K. and Jessie E. <sup>Allinger</sup> of Rt. # 1, Eagle, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

**GEO. CARTER**  
State Reclamation Engineer  
By

**Mrs. Edna P. Rutledge**  
Chief Clerk

EP:lw  
Encls.

24497

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

RECEIVED  
JUL 10 1958  
Department of Reclamation

(Date) July 9 1958  
(P. O.) Eagle, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Idaho Daily Statesman of Boise, Idaho published in  
the county in which the works are situated.

*Ada Co.*

*Howard H. Allinger*  
*Jessie E. Allinger*

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

\_\_\_\_\_  
Engineer.

24497

RECEIVED  
JUL 10 1958  
Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS  
and  
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that 3:00 P., M., on the 12 day of August, 1958, at Eagle, County of Ada, State of Idaho, before Lloyd F. Neff, Notary Public, at (address) Eagle Idaho, proof will be submitted of the completion of works for the diversion of 0.40 ☒ cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 8-32293 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Howard K. and Jessie E. Allinger, Rt. 1, Eagle, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 0.40 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 0.40 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 35, Twp. 5 N. Rge. 1 W. BM.

5. The place where said water is used is SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 35, Twp. 5 N. Rge. 1 W. BM.

6. The date of priority which said user is prepared to establish is September 23, 1953.

524497

State Reclamation Engineer

S T A T E O F I D A H O

D E P A R T M E N T O F R E C L A M A T I O N

B O I S E

RE: Permit No. 0-24497

Date July 1, 1958

**Howard K. & Jessie E. Allinger**  
**Route #1, Eagle, Idaho**

**Gentlemen:**  
**~~Dear Sirs:~~**

The date for proofs of completion of works and application of water to beneficial use, as set out under the terms of Permit No. 0-24497 are due not later than September 29, 1958.

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list which has been recorded in this department. If changes have been made on no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least forty (40) days before the above mentioned date, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point or points of diversion; and the location of use or the lands which are irrigated--all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with Form 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named and before the notary public, as advertised in the publication notice.

Very truly yours,  
**Geo. N. CARTER**  
**~~State Reclamation Engineer~~**  
State Reclamation Engineer

Enclosures

0-24497

S T A T E O F I D A H O

D E P A R T M E N T O F R E C L A M A T I O N

B O I S E

Permit No. G-24497

Date October 3, 1953

We enclose herewith the above numbered permit. BE SURE AND  
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the  
State Reclamation Engineer, on the fourth page.

Howard K. & Jessie E. Allinger  
Route 1  
Eagle, Idaho

MARK R. KULP  
State Reclamation Engineer

24497

NAME OF APPLICANT:

HOWARD K. D JESSIE E. ALLINGER

**Form No. 0**

T.  
5  
N.

R- / W.

35

Point of Diversion-Well

Permit Map No. G-24497

As Approved

MARK R. KULP  
State Reclamation Engineer

**SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.**

H 24497