



1" = 200'

NW CORNER
OF SECT. 21

PROPOSED WELL

NOTES:
LOTS TO BE SERVED
BY PROPOSED WELL
SHOWN CROSS-HATCHED.

15 AC

15 AC

NW NW

5 AC

5 AC

Long 4 $\frac{1}{2}$ -mi
→

SEC. 21 T1N R2W

NO GOV'T
to FS

P/O
NWNW
P/O
NWNW
SWNW

8/21/99

SW NW

5 AC

5 AC

5 AC

5 AC

MICROFILMED
JUN 09 1999

REVISED MAP REC'D w/ Application 1/14/99 16th

330'

330'

330'

330'

5 AC

5 AC

5 AC

5 AC

660'

5 AC

PROPOSED WELL

5 AC

330'

SEC. 21 T1N R2W

See Map of Applicant
1/14/99
SW

15 AC

15 AC

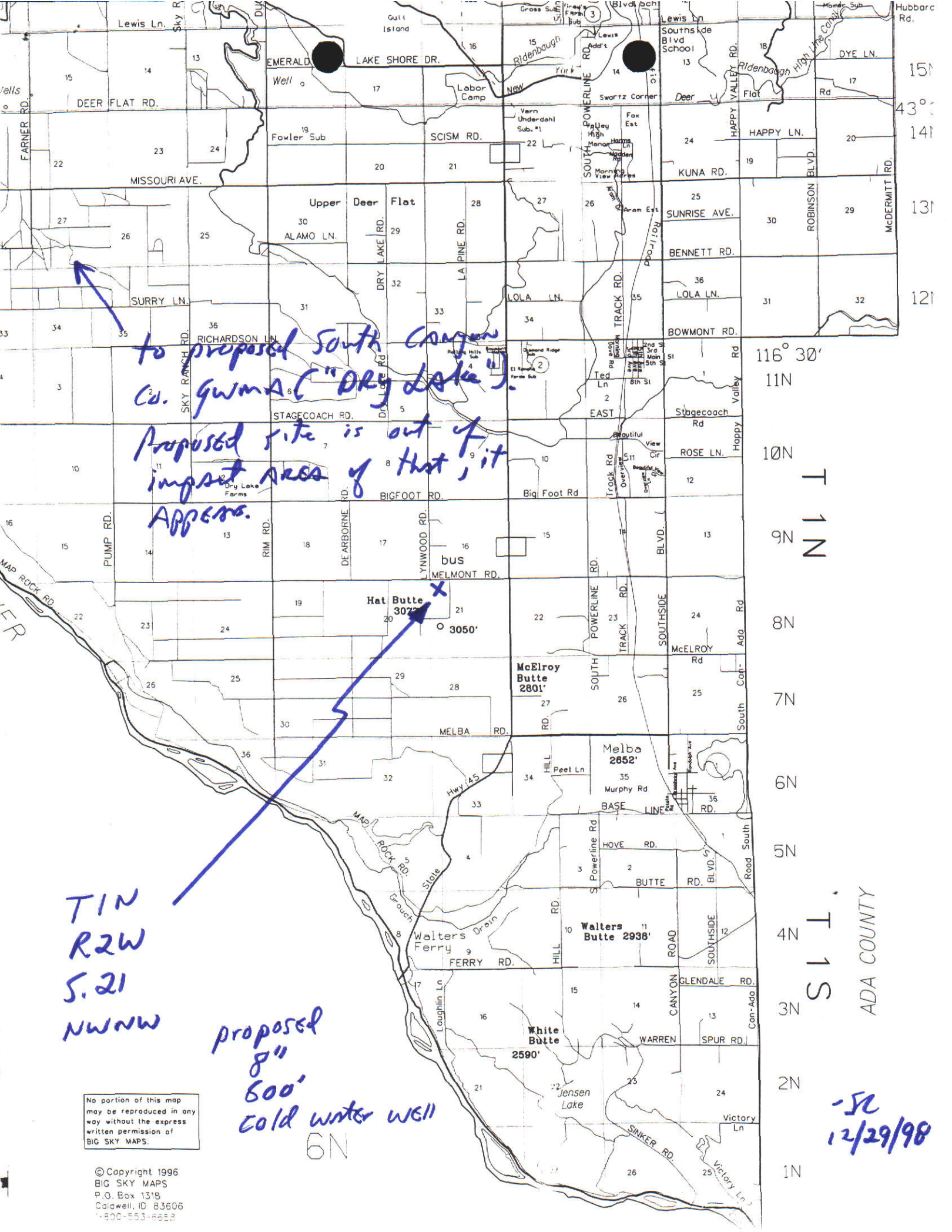
990'

1" = 200'

NW CORNER OF SECT. 21
MICROFILMED
JUN 09 1999

N

MELMONT RD.



to proposed South Canyon
Co. Gwma ("Dry Lake").

Proposed site is out of
impact area of that, it
appears.

T1N
R2W
S.21
NWNW

proposed
8"
600'
cold water well

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way without the express
written permission of
BIG SKY MAPS.

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BIG SKY MAPS
P.O. Box 1318
Caldwell, ID 83606
1-800-553-6662

-SL
12/29/98

(South)

Cock-wheel
Horizon Development

Brian Good
McShane

Bert DeWinkle

Ken Tiegs

1010

1009

1008

1006

1005

Dry Lake
2682

2697

2674

Well W.
2731

Ken Tiegs

no 2

no 3

no 1

DeWinkle

Highway 45

Ken Tiegs
DRY Grazing

H A T

U T

2652

2668

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2642

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 12500

Name(s) of Permit Holder: Brad Wheeler

Address: 3611 Wheeler Cr City Nampa State ID Zip 83686

Telephone No. 208-467-6216 Date Proof is Due: May 1, 2000

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

1) Well has been drilled and cased

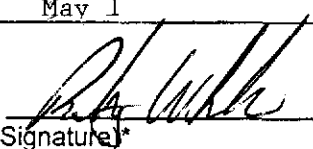
2) Trenches have been dug and piping installed.

Costing \$ 60,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Development process takes much longer than 1 year. We apparently misunderstood
that 5 years could have been requested with another 5 years extension prior to "proof of
of the extent of beneficial use" being due. We have needed to blast to install
trenching and
trenching and road. We therefore, request a nine year extension, 4 remaining years
that should have been initially requested, plus 5 years extension which could have
been requested.

Permit holder(s) request an extension to May 1, 2009


(Signature)*

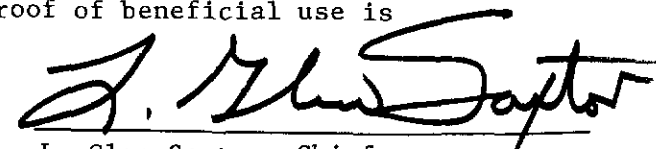
*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

REINSTATED with the priority advanced to September 27, 1998. IT IS FURTHER
ORDERED that the time within which to submit proof of beneficial use is
extended to May 1, 2005.

Signed this 9th day of May, 2000


L. Glen Saxton, Chief
Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12500

Proposed Priority: September 23, 1998 Maximum Diversion Rate: 0.16 CFS

This is to certify, that **BRADLEY F WHEELER**
3611 WHEELER CIR
NAMPA ID 83686

has applied for a permit to appropriate water from: **GROUNDWATER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

DOMESTIC	01/01 to 12/31	0.16 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NWNW , Sec. 21, Township 01N, Range 02W
CANYON County

PLACE OF USE: DOMESTIC

TWN RGE SEC

01N 02W 21	NWNW	SWNW
------------	------	------

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 2000**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
6. Irrigation use under this right is authorized only in connection with a domestic use.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted lot upon which a home has been constructed.
8. Domestic use is for 4 homes.
9. Water bearing zone to be appropriated is from 300 to 350 feet.
10. The right holder shall not assign ownership of this permit without prior approval of the department. The department will consider the right holder's past diligence in development of the permit when evaluating any request to assign the permit.

MICROFILMED
JUL 1 1995

State of Idaho
Department of Water Resources

Permit To Appropriate Water

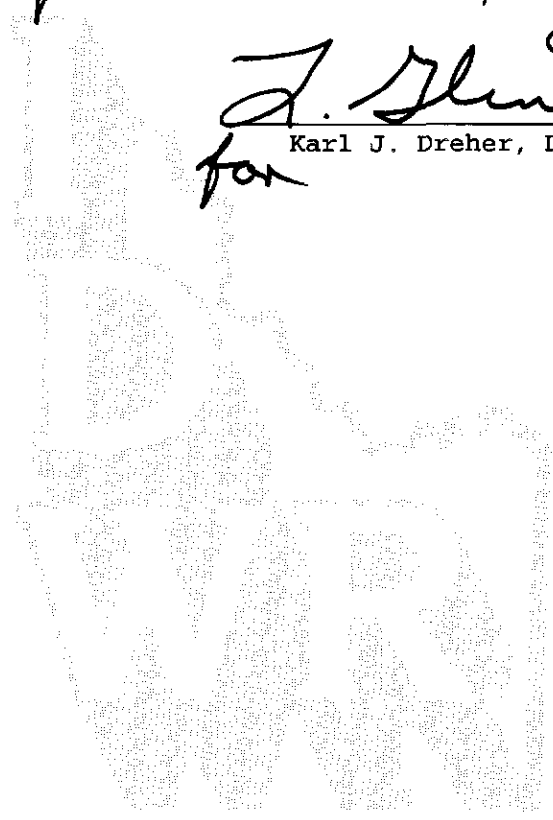
NO. 63-12500

CONDITIONS OF APPROVAL AND REMARKS

11. Approval of this permit is for the specific purpose of providing domestic use within the Horizon Development in the W1/2NW1/4, section 21, T01N, R02W, B.M. In the event the right holder does not proceed with development of the project for any reason, this approval shall be null and void.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this

26th day of April, 1999.


K. J. Dreher
for Karl J. Dreher, Director

MICROFILMED

RECEIVED

SEP 23 1998

FORM 202
1/98WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 63-12500

RECEIVED

APR 19 1999

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant Bradley F. Wheeler Phone 465-5868
Post Office address 3611 Wheeler Circle Nampa Ida 83686
2. Source of water supply GROUNDWATER which is a tributary of —
3. Location of point of diversion is SW 1/4 of NW 1/4 of NW 1/4, Govt. Lot — *
Sec. 21 Township 1N Range 2W B.M. CANYON County; additional points of
diversion if any: NONE
4. Water will be used for the following purposes:
Amount 0.16 for DOMESTIC purposes from JAN. 1 to DEC. 31 (both dates inclusive) *
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.16 and/or (b) 20 MA *
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. PUMP & PIPING TO 4 LOTS
b. Height of storage dam — feet; active reservoir capacity — acre-feet; total
reservoir capacity — acre-feet; period of year when water will be diverted to storage:
— to — inclusive.
c. Proposed well diameter is 8 inches; proposed depth of well is 600 feet.
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? —; Drilling firm —
Well was drilled for (well owner) —
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (If irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW. —
b. Stockwatering; list number and kind of livestock. —
c. Municipal; show name of municipality. —
d. Domestic; show number of households. 4 w/ ≤ 1/2 acre yards *
e. Other; describe fully. —

* per Applicant's 1/14/99 letter & map, plus IOWR standards

-82

MICROFILMED
APR 19 1999

9. Description of place of use:

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

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

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	2W	21					D	D											

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? BRADLEY F. WHEELER

b. Who owns the land to be irrigated or place of use? BRADLEY F. WHEELER

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: _____

12. Remarks: WATER bearing zone to be appropriated for 4 homes and yards is from 300 to 350 feet. Applicant agrees to mitigate consumptive use in the future as needed. *

13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

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

* Remarks & Comments per Applicant into & Iowa standards.
-82 1/21/99

Bradley F. Wheeler
(Applicant)

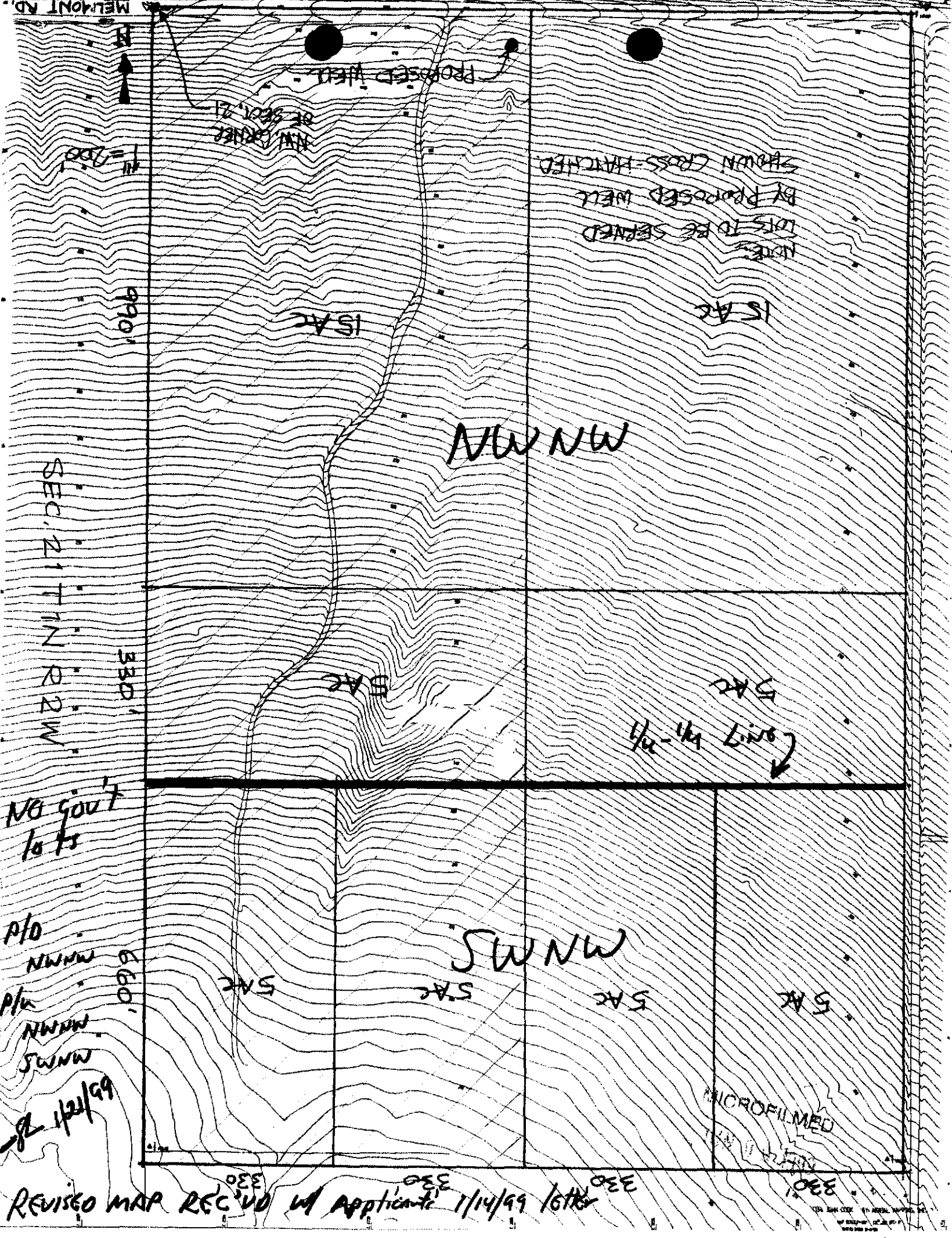
MICROFILMED

JUN 13 1999

Received by KL Date 9/23/98 Time 10:51 Preliminary check by 82
 Fee \$ 5000 Received by KL # 10021434 Date 9/23/98
 Publication prepared by KL Date 1-27-99 Published in Idaho Tribune
 Publication approved KL Date 2-25-99 2-4-11-99

COMMENTS

IOWA INFORMATION: IN-HOME use for .10 cfs plus yard irrigation for maximum of 2' acres for .06 cfs, total rate of .16 cfs. FOUR homes served. No surface water or water serves this site.



REVISED MAP REC'D W/ Application 1/14/99 16th

MICROFILMED

330'

330'

330'

330'

5 AC

5 AC

5 AC

5 AC

660'

5 AC

PROPOSED WELL

5 AC

330'

SEC. 21 T1N R2W

MAP of
Applicant

1/14/99

15 AC

See from

15 AC

990'

1" = 200'

NW CORNER
OF SECT. 21
MICROFILMED

N

MELMONT RD.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

May 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRADLEY F WHEELER
3611 WHEELER CIR
NAMPA ID 83686

RE: PERMIT NO. 63-12500

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the proof due date to **May 1, 2005**. Please note that the approved request reinstates the permit, however, since your request was submitted after the proof due date the priority of the permit advances to September 27, 1998, as referenced in Section 42-218a, Idaho Code.

Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of the development during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please feel free to contact the department if you have questions.

Sincerely,

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 63-12500 Reviewed by D. Ellen Date 5/9/00

BASIC INFORMATION

5/5/00 Date stamp received
No Extension received timely
Yes Fee received and receipted
Yes Name and signature same as permit
No Address Change

BASIS FOR EXTENSION REQUEST

Yes Has adequate work been completed to demonstrate due diligence?
No Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____
No Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____
No Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Approve extension and advance priority date to 9/27/98. Extend proof due date to 5/1/2005.

PRIORITY CALCULATION

Date extension received	<u>5/5/00</u>	=	_____
Proof due date	<u>5/1/00</u>	=	_____
Number of days late		=	<u>4</u>
Priority date	<u>9/23/98</u>	=	_____
New Priority Date	<u>9/27/98</u>	=	_____

DATA ENTRY

New Address No
Change Proof Due Date Yes
Change Priority Date 9-27-98

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

00000000

Date:

Time: 5/ 5/2000

15:44:25

Received

From: PARK TOWNE CONSTRUCTION

Type of Payment

Program A cct

Amount

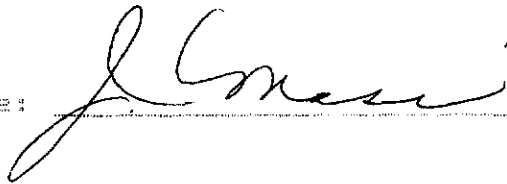
EXTENSIONS	#12500	56103	224 21 1150	50000
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Total

CHECK 4336

Region: STATE

Signature:



February 28, 2000

BRADLEY F WHEELER
3611 WHEELER CIR
NAMPA ID 83686

PROOF DUE NOTICE

RE: PERMIT NO. 63-12500

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 2000.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

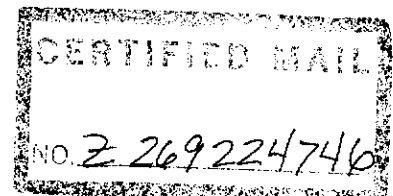
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 26, 1999

BRADLEY F WHEELER
3611 WHEELER CIR
NAMPA ID 83686

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12500

Dear Permit Holder:

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

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

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

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

MICROFILMED

JUN 03 1999

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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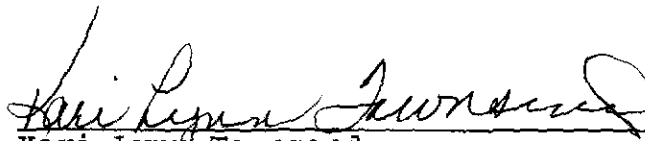
JUN 04 1999

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of April, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 63-12500

BRADLEY F WHEELER
3611 WHEELER CIR
NAMPA ID 83686


Kari Lynn Townsend
Secretary

MICROFILMED

APR 29 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

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

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JUN 09 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

JUN 09 1999

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy J. L...*No.: 63-12500 Name: Wheeler Date: 4/22/99 Ad OK? ☒ Gvmt Lts: ☒AREA OF CONCERN: - No/Yes: BRD Mor / GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year - 26A-P17
≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

All wells (✓ WVDQ3) - 016-P23

In Basin 34? - 085

Irr. within WD - P05 (new well location)

WMD (✓ MAP) - North / East / West

> 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres - No MD

WMD

Supp. irr. use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr. source)

Supp. irr. + uses - 100-101

> 0.24 cfs/5 acres - 01M (report when notified)

≤ 0.24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED: - YES / NO; WHEN: _____ RESPONSE: _____

IN/ABOVE MSF (✓ MAP) - *WB9

IN-STREAM DEVELOPMENT - P52 (stream channel alteration)

WD (✓ MAP & LISTING) - R04 (WD # _____)

> 0.20 cfs - 01J-P08 (MD & LD)

≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

Snake R. (01)

(02/03-irr)

Payette R (65)

Salmon R (70's)

Weiser R (67)

- *W22 -P04, NA

- 007 (w/ remark *WB9 if above Weiser), NA

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

- 029 (fish screens), NA

- 086, 087

USE:

STORAGE (✓ 3 compo.)

IRR ≤ 5 acres

> 5 acres

STOCKWATER

MINING

FISH PROPAGATION

HEATING/COOLING

POWER

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

- R37 (BLM/USFS); NA

- 054(req) -081-P10

- 029(70's only) -007-042(req) -081 (WQ) -P10

- R07 (injection well)

- 17H/17K(+uses) -08A-025(P18) -01N-028-081 (P10) -027 (if no other cons. use);

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

MUNICIPAL

In restricted area?

Irr., GW supp. to SW?

- 022, 075, 004 (+memo?)

- 102

DOMESTIC

Surface water

>1 in rest. area

FIRE PROTECTION

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

- 051-074

- 077

LOCATION:

BOISE FRONT LOGEO

MITIGATION

42-248 AREA

SWAN FALLS FLAG (✓ Code)

- 058 (<85° GW temp only)

- P84- P84 in 20/30/40/50/60/70/80 (87) basin)

Trust

Non-Trust (1)

- 051-052-053-P74 (Consumptive Uses), NA

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- 041- 0070/mod. (P2) w01/4.- 5 / 11 2000

MEMORANDUM

To: File nos. 63-12500, Bradley Wheeler; & 63-12504, John Cook
From: Gary Spackman *Gay*
Date: April 15, 1999

Re: Conditions of Approval

I reviewed information submitted by John Cook and nearby ground water users objecting to application nos. 63-12500 and 63-12504. Bradley Wheeler did not submit any information.

Cook submitted well logs, a map, some computations comparing domestic water use to irrigation and dairy water use, and a letter alleging wrong-doing by and hypocrisy of the objectors. The computations are not helpful because they attempt to compare existing water uses to a proposal for a new water right. The prior appropriation doctrine does not justify approval of a later in time water right simply because it may be significantly smaller than an earlier priority water right. Allegations about the motives or activities of the objectors also carry no weight in this recommendation.

Flows measured at the time of drilling for wells in the area are recorded on the well logs submitted by Cook. The recorded flows establish that the ground water aquifers in the area are productive. The well logs do not establish whether there is sufficient water for the proposed appropriations.

The objectors submitted information to show that a lot split for the applicants' property was revoked by Canyon County. The applicants stated to me on the telephone, however, that the dispute with Canyon County is not resolved, and there may be litigation pending.

Kenneth Tiegs submitted a one page, handwritten document. Tiegs asserts that a water board hearing in 1964 determined that the "Brian Good well" had a "definite effect" on a well owned by Tiegs. I searched the water right database and found water right no. 63-03289 that was associated with the name Brian Goode. I read the microfilm at the regional office, but because of its poor quality, I consulted the paper file in the vault. Kenneth Tiegs protested the proof of beneficial use that was filed for water right no. 63-03289, but I can't find a decision that affected the water right. There is a reference to a board decision in the inside flap of the file cover, but I don't know where to find the decision.

Water level information gathered by the Trespure Valley Hydrologic Study shows that ground water levels in the area have been increasing. The area of declining water levels south of Lake Lowell are several miles north of the proposed points of diversion.

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JUN 3 9 1999

The applicants could obtain domestic drilling permits for drilling individual wells to provide water to the proposed homes. The community wells proposed will better protect the aquifers than individual wells.

We have some information showing that the water supply is sufficient for the purpose sought. I do not believe that diversion of the small amount of water sought will injure other water users.

I recommend that we approve application nos. 63-12500 and 63-12504 with the following conditions:

1. (046)
2. (120)
3. (041)
4. (071)
5. Irrigation under this domestic use shall not exceed $\frac{1}{2}$ acre upon which a home has been constructed.

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JUN 19 1969

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

APR 19 1999

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: SL DATE: 1/21/99 APPLICATION: 63-12500

REQUIRED INFORMATION

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

Gov't. Lots:

N P/D
P/U

ADDITIONAL INFORMATION

yes ADVERTISE REMARK(S)
(Reviewer identify which remarks)

N/A T FLAG CHANGED TO P FLAG

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
☐ ☒ Overlapping point of diversion.
☐ ☒ Critical groundwater area:
☐ ☒ Groundwater management area:
☐ ☒ 1992 moratorium: OK w/ community well limits for Bs. 63
☐ ☒ Surface water source, IDFG letter needed.
☐ ☒ Bull trout impact area, IDFG letter needed
☐ ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
☐ ☒ E-mail to Dam Safety staff: (for any storage)
☒ ☐ Mitigation plan: Check any that apply.
☐ ☒ N/A immediate = acceptable plan required and submitted.
☐ ☒ future = open areas, acceptance of condition of approval is in file.
☐ ☒ Send power requirement letter &/or fish farm requirement letter.
☐ ☒ Power residency affidavit:
☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
☐ ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested Date Response Received

PROCESSING

APP. NO. 83-

YES NO

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

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

YES NO

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

YES NO

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

FINAL REGIONAL PROCESSING REVIEW:

YES NO

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

☒ ☐ Publication dates and paper recorded on application:
☐ ☐ Final date for protest 2-22-99
☐ ☒ Protests received.
☒ ☐ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Water delivered by water master? District # _____
☒ ☐ Special conditions of approval or cover letter: See memo dated 4/15/99

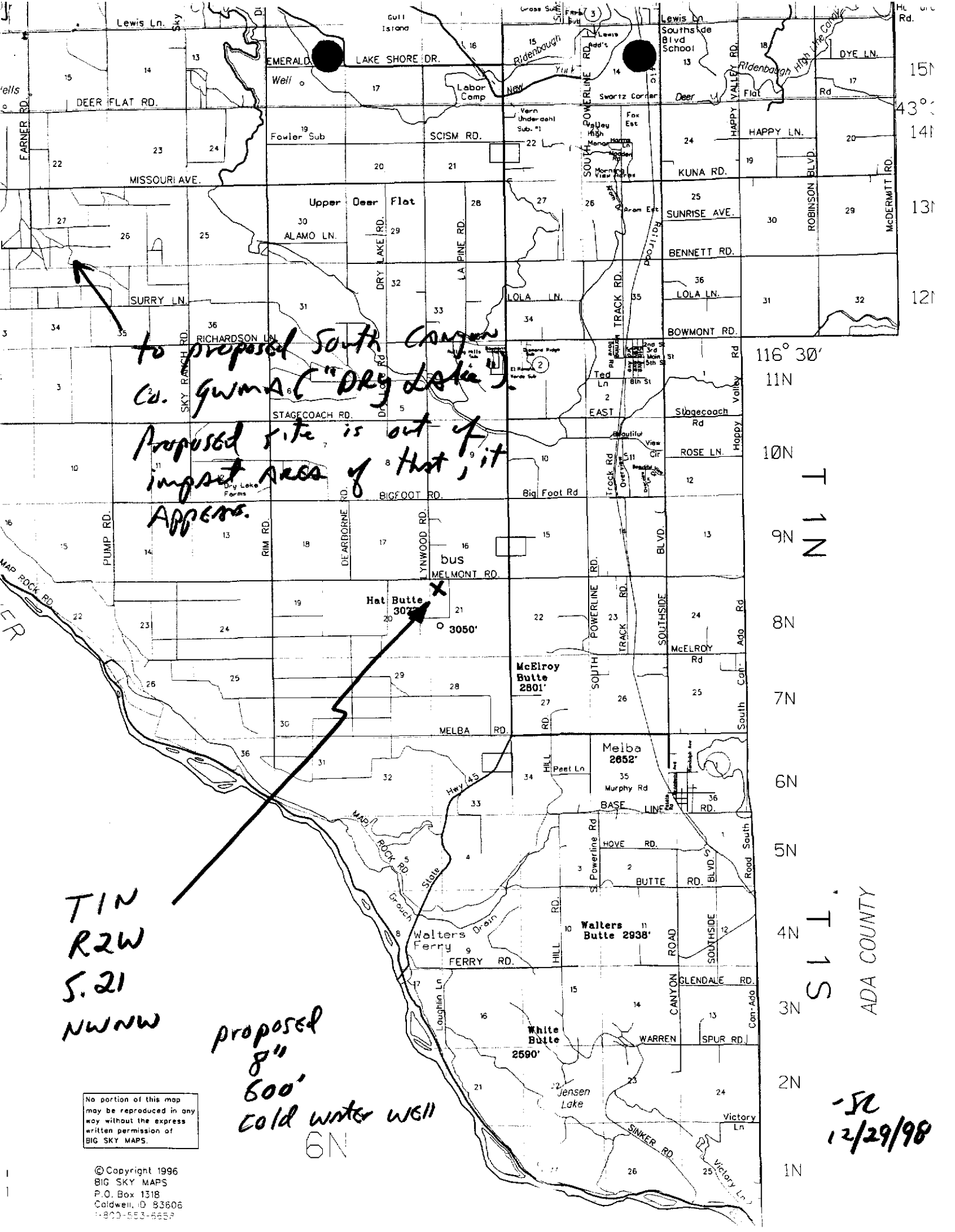
See below for additional information

Recommended Date or Priority 9-23-1998 -92
Recommended by: Bays Date: 4/16/99

ADDITIONAL INFORMATION:

NOTE - NOT in "Dry Lake" area of concern per attached map.

DOES NOT APPEAR to be any WR's for P/W in
question (SEE attached P/W-comp report).



to proposed South Canyon
Co. Gwma ("Dry Lake")

Proposed site is out of
impact area of that, it
appears.

T1N
R2W
S.21
NWNW

proposed
8"
600'
cold water well

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way without the express
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BIG SKY MAPS
P.O. Box 1318
Caldwell, ID 83606
1-800-553-6657

T1N
S11
ADA COUNTY

-SL
12/29/98

(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	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac											
6303309	T01N R02W S20	GROUNDWATER																																						
	:									:									:									:	X								:			
0202175	SNAKE RIVE	:									:	38	40	40	31	:									:									:	149					
A0202175A	SNAKE RIVE	:									:	38	39	40	32	:									:									:	149					
0202363	SNAKE RIVE	:	09								:									:									:									:	9	
A0202363	SNAKE RIVE	:	09								:									:									:									:	9	
6303289	GROUNDWATE	:									:									:	20									:									:	20
A6303289	GROUNDWATE	:									:									:	20									:									:	20
A6303309	GROUNDWATE	:									:									:									:	20									:	20
6303310	GROUNDWATE	:									:									:	30	40	40	25	:									:	135					
A6303310	GROUNDWATE	:									:									:	30	40	40	25	:									:	135					
6307381	GROUNDWATE	:									:									:	40	40	35	38	:									:	153					
A6307381	GROUNDWATE	:									:									:	40	40	35	38	:									:	153					

6303309	T01N R02W S21 GROUNDWATER																	
				X	X			X		X	X	X	X	X				
6302388	BOISE RIVE :																	
A6302388	BOISE RIVE :																	
6303289	GROUNDWATE :			40	40			40		40	35	35	30					260
A6303289	GROUNDWATE :			40	40			40		40	35	35	30					260
A6303309	GROUNDWATE :			40	40			40	20	40	35	35	30					320
6303584	GROUNDWATE :	40				38									28		20	126
A6303584	GROUNDWATE :	40				38									28		20	126

Brian Good
Well in NE 1/4
Other land in SWNW
N/A to Wheeler Appl.

NO P/D overlap (WRQS)

Appears no
overlap for
Wheeler's filing

JK

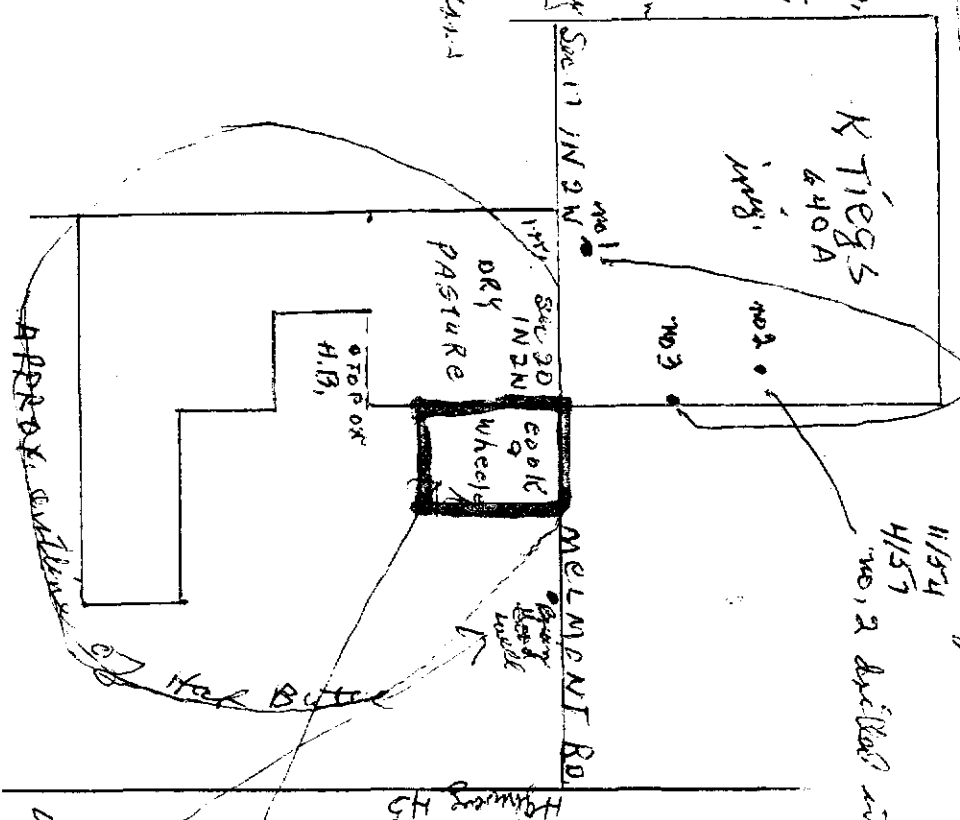
only 1463 300'

1463 (containing in 1951, 1952 - measured when ...)
 3/1953 good loggers pumping 210'
 11/54 230'
 4/57 230'

no. 2 drilled in 1953/1954 S.L. loggers pumping 185', 6/69 - 190/12/89 185'

Below No. 1
 No. 1 continued
 No. 2 63-2823
 5778 C.F.S.
 No. 3 30906
 2.5 C.F.S.

No. 3 has been
 measured
 and is normally
 dry either the
 5 or 7 C.F.S.
 in recent years



I determined that lost in 1940

The well marked as Oxian Street well

was situated in a water hole and having
 in 1944 V.S. my no. 3 well. After a
 detailed water study it was determined from
 the bearing that the Oxian St well had a distance to
 about my no. 3 well - the opening was to
 the D. E. well must be the third down to
 where I could get my Pumped up water
 from no. 3. This proves this is not a new
 shortage of water, it has been going on for
 some 35 years, now we're expected to have
 our landshaded with the 3 land speculators,
 I don't know if whether or the 3 can do as big men

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JUN 14 1989

(300)

See that static water level are an
 indicator. But where the water mostly will
 the stand on these wells, as in the draw-
 down level is out in late July the static
 level, after all the wells have been all
 summer long. The designer has time to
 adjust or restore it, it's just winter again.

*Ken Tieg

Cock-wheel
Horizon Development

Brian Good

Bert DeWinkle

Ken Tiegs

4910

4909

4908

4906

4905

4904

4903

4902

Dry Lake
2682

2697

267

9

2643

Well W.
2731

Ken Tiegs

no 2

no 3

no 1

Shady

2668

K Tiegs
DRY Grogging

19

H A T

U T

2655

Star Butte
28
28
28

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1905

AVENUE
HAT
BUTTE

April 07, 1999

RECEIVED

APR 09 1999

WATER RESOURCES
WESTERN REGION

Mr. Steve Lester *SL*
Water Rights Supervisor
IDWR
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Dear Mr. Lester,

This letter is in response to your letter to us of 4/2/99, regarding the Cook and Wheeler applications for water rights No. 63-12504 and No. 63-12500 respectively.

It was our understanding that due to the moratorium on New Wells (irrigation and community wells) that the only new drilling allowed was for individual domestic wells. When Horizon Development tried to get a subdivision approval with a community well before the Canyon County Development Services Dept. they refused to even consider it unless it was presented with individual wells; because of the moratorium on irrigation and community wells.

However, regarding the Cook-Wheeler applications which are for 4 homes each, we request you revoke these applications on the basis of the enclosed material from Canyon County Development Services Dept. This information reveals that there are not 4 homesites for each applicant! And at this time they are told to cease and desist on any development on Hat Butte.

There is NO available surface water for irrigation or proved up underground water rights for their (Cook-Wheeler) property. We will enclose other information to you with signatures from farmers of the surrounding Hat Butte area that shows you our concern we all have with the water shortage in our area. Mr Steve Lester we would like to hear from you A.S.A.P. (please, within 2 week) so we can make a decision on where we go from here. Thank you very much.

Sincerely yours,

3438 Lynwood Melba, I
83641

10305 Melmont, Melba, I
83641

Tim Decker
Ken Siego

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APR 09 1999



CANYON COUNTY

DEVELOPMENT SERVICES DEPARTMENT

Canyon County Courthouse • 1115 Albany Street • Caldwell, Idaho 83605
(208) 454-7458 • Fax (208) 454-6633

RESCISSION AND CANCELLATION OF LOT SPLIT APPROVALS/ CEASE AND DESIST ORDER

1. DSD (P&Z) CASE NO. 987188D21-1N-2W (Parcels 1/4) Assessor's Account No. - Part of R28536
2. DSD (P&Z) CASE NO. 951336D21-1N-2W (Parcels 2/3) Assessor's Account No. - Part of R28537
3. DSD (P&Z) CASE NO. 988247221-1N-2W (Parcels 5/6) Assessor's Account No. - Part of R28536
4. DSD (P&Z) CASE NO. 951335D21-1N-2W (Parcels 7/8) Assessor's Account No. - Part of R28536

March 12, 1999

Brad Wheeler
3611 Wheeler Circle
Nampa, Idaho 83686
Via Facsimile (208)468-8759 and U.S. Mail

John Merle Cook
2329 Sierra Drive
Nampa, Idaho 83686

Re: Eight (8) Lot Land Division, as shown by Record of Survey of a part of the Northwest Quarter of Section 21, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho Prepared by Earl & Associates, Inc., and dated September 30, 1998 (Horizon Development)

Dear Mr. Wheeler and Mr. Cook:

As Executive Director of the Development Services Department, I have reviewed the administrative lot-splitting process and the boundary adjustment process utilized for the above described properties represented by that survey. For a copy of the survey, see Exhibit "1", attached hereto and made a part hereof. Upon review, I have determined that Horizon Development was only eligible for four (4) lots, and not eight (8) lots, through the splitting process, because the applicant had only an original fifty (50) and an original ten (10) parcel for consideration under the lot-splitting procedures provided by Canyon County Code

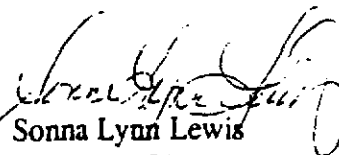
Letter to Mr. Wheeler and Mr. Cook
March 12, 1999
Page Two

of Ordinances. Section 07-12-07(8)3.

Therefore, through the power vested in me as the Executive Director of the Development Services Department, and in compliance with the provisions of Section 07-11-01 of the Canyon County Code of Ordinances, I hereby, effective this 12th day of March, 1999, hereby revoke the Development Services Department approval of the eight (8) lot splits, as shown by the attached record of survey (Exhibit "1"), having determined that Horizon Development is only entitled to four (4) lots rather than eight (8) lots. Horizon Development is further directed to cease and desist from all development for the eight (8) lot land division.

It is further directed that Horizon Development shall forthwith confer with representatives of the Development Services Department to arrange for a four (4) lot development. Please contact our office to set up a meeting to discuss your development at your earliest convenience.

Sincerely,



Sonna Lynn Lewis
Executive Director
Development Services Department

Attachment 1: Record of Survey, as stated above.

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1999 03 12

March 26, 1999

Mr. Karl J. Dreher
Director of Dept. of Water Resources
2735 Airport way,
Boise, Idaho 83705

Water shortage in Hat Butte area.

We the undersigned, respectfully petition for the establishment of a ground water management area in which new well drilling would not be allowed. We further request that immediate restrictions on new domestic well drilling be enforced while this petition is being studied and considered.

We feel our immediate area (Hat Butte area) is a critically short underground water area; and we need some protection from further new drilling that isn't done under old proven water licences.

Respectfully yours:

Lauretta Burman

~~Lauretta Burman~~

Brian J. Gysel

~~Brian J. Gysel~~

Kenneth W. Cole

Beth Cole

Michael Christensen

Carolyn Moon

Jaylene Moon

William Siegs

Cynthia Shuping

Heather Hale

Tina DeWinkle

~~Tina DeWinkle~~

Kenneth W. Cole

Beth Cole

Ken Siegs

~~Ken Siegs~~

Mike McShane

~~Mike McShane~~

Judith McShane

~~Judith McShane~~

CAROLYN MOON

JAYLENE MOON

Sandra Hoopberg

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JUN 29 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 2, 1999

To: Distribution List

Re: Ground Water Concerns in Hat Butte Area

Dear Applicants and Interested Parties:

This letter involves two applications for permit to establish new water rights plus concerns raised by several residents in the Hat Butte area. The applications are #63-12500 in the name of Bradley F. Wheeler and #63-12504 in the name of John M. Cook. Each application proposes a well to serve four homes and yards. Each filing proposes up to .16 cfs (about 72 gpm) to be developed. The applications describe land in the NW 1/4 of Section 21, T1N, R2W, which is in the Hat Butte area.

The applications were filed in September and December, 1998. Legal notices were posted in the local newspaper in early February, 1999. The deadline for protests against the applications was February 22, 1999. Protests were not filed.

Interested Parties requested a meeting with the Idaho Department of Water Resources (IDWR) to discuss ground water concerns in the Hat Butte area. IDWR held a meeting with them on March 2. This office did not notice the connection between the applications and the interested parties until later in March. On behalf of IDWR, I want to express my dismay at this oversight. Although IDWR is not required to make the link between water right applications and related concerns, this office tries to be forthcoming with public information whenever possible. Sometimes these connections are missed.

The applications cannot be protested at this late date. However, water appropriation procedures place a burden on applicants to supply more information in such situations. The following steps should be completed.

Applicants

1. Confirm that Wheeler's filing covers the west half of the

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JUN 9 1999

*confirming
legals ok*

April 2, 1999
Page 2 of 2

site (parcels 1, 4, 5 and 6) and that Cook's filing relates to the east half (parcels 2, 3, 7 and 8).

2. Identify any available surface water for irrigation use at the site.

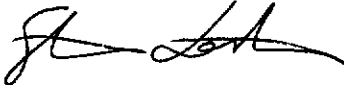
3. Provide information addressing the issues of injury to other water rights, sufficiency of water available for the development, and local public interest.

Interested Parties

1. Provide information related to the above and/or to the issues raised in my March 4 letter to you.

The applicants deserve an IDWR decision on the applications without undue delay. With that in mind, please provide your replies by April 12, 1999. Please contact this office at 334-2190 if you need more information about this matter.

Sincerely,


Steve Lester
Water Rights Supervisor

Enclosure: Distribution List

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JUN 09 1999

MAILING
DISTRIBUTION LIST
HAT BUTTE

LURETTA BURMAN
8460 MELMONT RD
MELBA ID 83641

TINA DEWINKLE
3438 LYNWOOD
MELBA ID 83641

BRIAN GOOD
9751 MELMONT RD
MELBA ID 83641

KEN TIEGS
10305 MELMONT RD
MELBA ID 83641

BRADLEY WHEELER
3611 WHEELER CIRCLE
NAMPA ID 83686

JOHN COOK
2329 SIERRA DR
NAMPA ID 83686

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AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Karol Stoltey

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Twice

— in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

February 4 and 11, 1999

RECEIVED

FEB 17 1999

WATER RESOURCES
WESTERN REGION

Karol Stoltey

STATE OF IDAHO)
)
COUNTY OF CANYON)

On this 11th day of February
in the year of 1999, before me, a Notary
Public, personally appeared Karol Stoltey,
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 he/she
executed the same.

MICROFILMED

JUN 9 1999

Jane Lusk
Notary Public for Idaho
Residing at Nampa

MY COMMISSION EXPIRES
JUNE 21, 1997

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12500

WHEELER, BRADLEY F
3611 WHEELER CIRCLE
Nampa, ID 83686

Source: GROUNDWATER

Diversion Pt: NWNW Sec 21 T 01N R 02W in CANYON County.

Use: DOMESTIC (0.160 CFS)

Total Diversion (0.160 CFS)

Date Filed: 9/23/1998

In: CANYON County

T01N R02W S21 NWNW SWNW

Water bearing zone to be appropriated for four homes and yards is from 300 to 350 feet. Applicant agrees to mitigate consumptive use in the future as needed.

63-12504

COOK, JOHN M
2329 SIERRA DR
Nampa, ID 83686

Source: GROUNDWATER

Diversion Pt: SENWNW Sec 21 T 01N R 02W in CANYON County.

Use: DOMESTIC (0.160 CFS)

Total Diversion (0.160 CFS)

Date Filed: 12/ 2/1998

In: CANYON County

T01N R02W S21 NWNW SWNW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before FEBRUARY 22, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

February 4, 11, 1999

8324

RECEIVED
FEB 17 1999
WATER RESOURCES
WESTERN REGION

MICROFILMED

FEB 18 1999

January 14, 1999

RECEIVED

JAN 19 1999

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705
Attention: Mr. Steve Lester 

Re: Application for Permit

Dear Mr. Lester:

I am in receipt of your correspondence, dated January 11, 1999, regarding our application for a well permit. You requested our response to five (5) points included in that correspondence. Following are my responses in corresponding order:

1. The well will provide in-house use and one-half acre per lot yard irrigation.
2. The land is not now irrigated.
3. The proposed water bearing zone to be appropriated from the aquifer is 300 to 350 feet below the existing ground surface.
4. Find enclosed the completed "request to process" form.
5. Find enclosed the copy of our map indicating the four parcels to be served by the requested well. Please note the revised well location.

We hope this information will allow the prompt processing of our application. Thank you for your attention in this matter.

Sincerely,



Bradley Wheeler
3611 Wheeler Circle
Nampa, Idaho 83686

Encl

MICROFILMED
JUN 09 1999

REQUEST TO PROCESS

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

Name of Applicant

Bradley Wheeler

Mailing Address

3611 Wheeler Circle

Nampa, Idaho 83050

Application No.
(if known)

____ IN LOCAL PUBLIC INTEREST

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

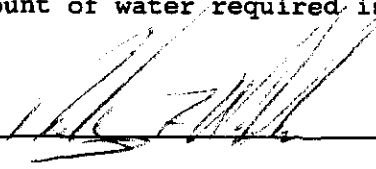
____ PROPOSE MITIGATION NOW

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

✓
____ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature



Date

1-15-99

Please return this form to:

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

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JUN 09 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

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

January 11, 1999

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BRADLEY WHEELER
3611 WHEELER CIRCLE
NAMPA ID 83686

RE: APPLICATION FOR PERMIT

Dear Mr. Wheeler:

Your application for a well to serve four homes was received on September 23, 1998. Processing has been delayed due to field work and other critical items. Your application can now be reviewed. In order for application processing to resume, please respond to the following points:

✓ YES → 1. Will the well provide in-house use only or will it include yard irrigation? Yard irrigation can be approved if limited to one-half acre or less per home under the local moratorium in place since 1992. Department standards allow up to .10 cfs for in-house use for four homes plus up to .06 cfs for irrigation of the maximum area for four homes (two acres). Under dual uses, the maximum right would be .16 cfs instead of the .20 cfs in your application.

✓ NO → 2. Is the land currently irrigated? If so, what is the source of water (surface water or other ground water?) and the name of the water delivery organization if applicable?

✓ 300-350' 3. What is the proposed water bearing zone to be appropriated from the aquifer? In other words, from what part(s) of the aquifer will the well mostly likely draw its water? You may want to check with well drillers, consultants and/or well log records available at this office to determine this.

Skip to item 5 if only in-house use is proposed.

✓ OK 4. Please see the enclosed "generic letter" that explains the "request to process" form. The completed request to process form should be submitted if yard irrigation will be involved. Most applicants select the third option for possible "future mitigation" with the details to be determined in the future if necessary.

✓ all items completed per 1/14/99 reply

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JUN 9 1999

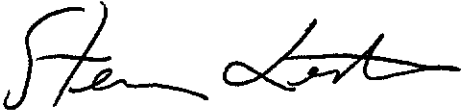
January 11, 1999

Page 2

5. Enclosed is a copy of your map. I added the 1/4-1/4 section line. Mark the four parcels where well water will be used.

Your reply within 30 days will be appreciated. Please let me know if you need more information or want to discuss these points.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

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JUN 6 9 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JANUARY 27, 1999

Legal Notices Department
Press-Tribune
P.O. Box 9399
Nampa, ID 83652

Dear Legal Dept.:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 22, 1999.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICROFILMED

JUN 19 1999

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

JUN 11 1969

63-12500

WHEELER, BRADLEY F
3611 WHEELER CIRCLE
NAMPA, ID 83686

Source: GROUNDWATER

Diversion Pt: NWNW Sec 21 T 01N R 02W in CANYON County.

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Use: DOMESTIC      (      0.160 CFS)
      Total Diversion: (      0.160 CFS)

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Date Filed: 9/23/1998

In: CANYON County
T01N R02W S21 NWNW SWNW

Water bearing zone to be appropriated for four homes and yards is from 300 to 350 feet. Applicant agrees to mitigate consumptive use in the future as needed.

MACROFILMED

194 0 9 1982

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before FEBRUARY 22, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 2/ 4/1999 & 2/11/1999

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JUN 11 1999