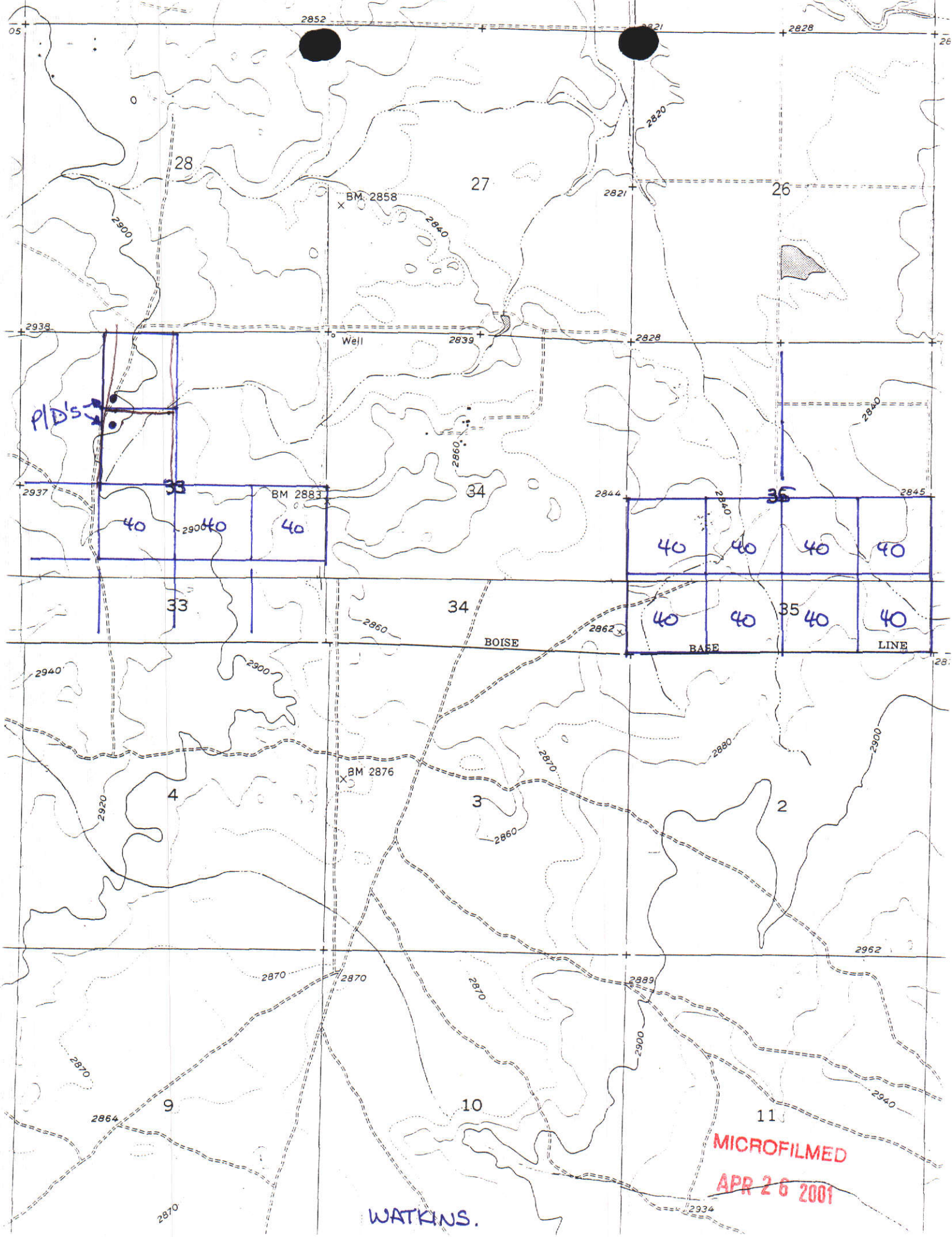




PID's →

40

40

40

40

40

40

40

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BOISE

BASE

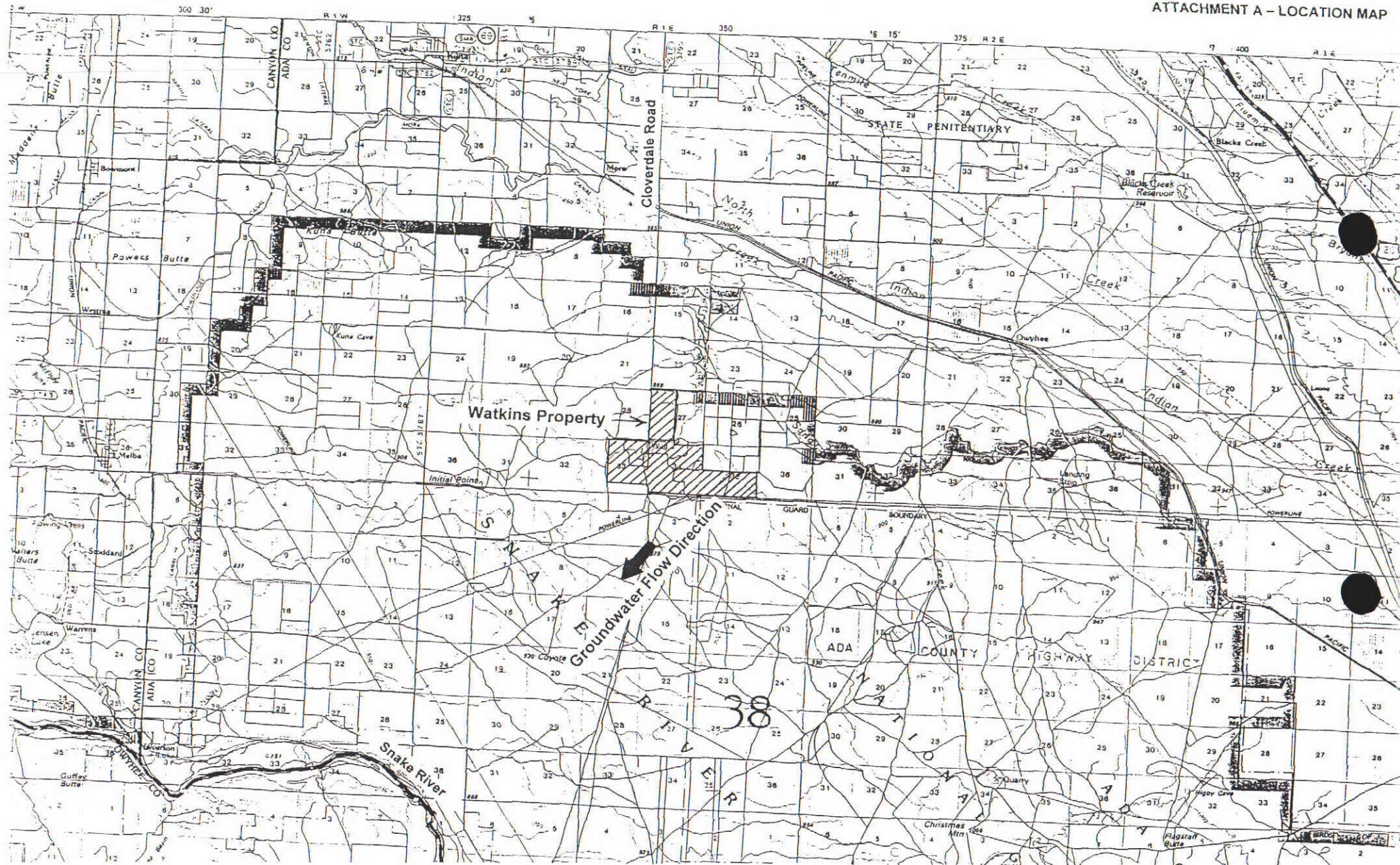
LINE

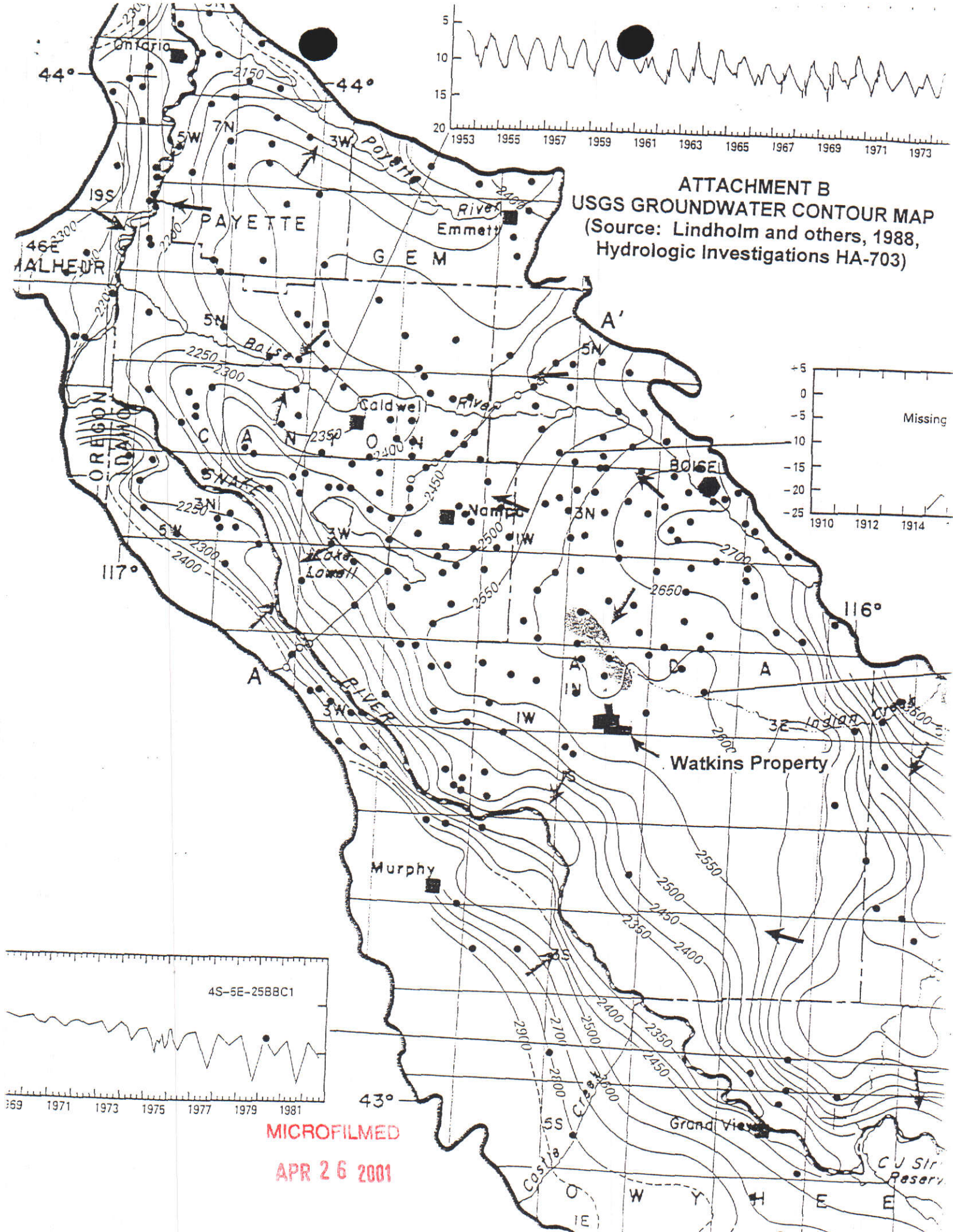
WATKINS.

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APR 26 2001

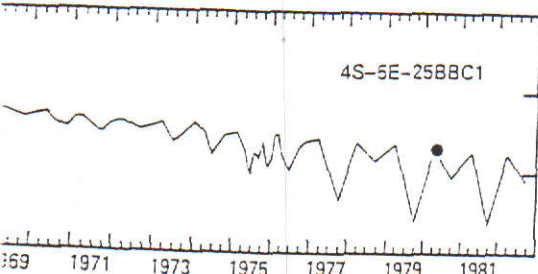
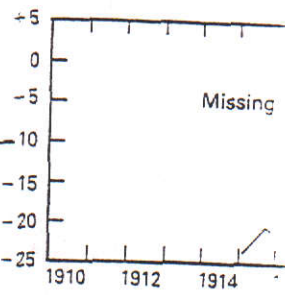
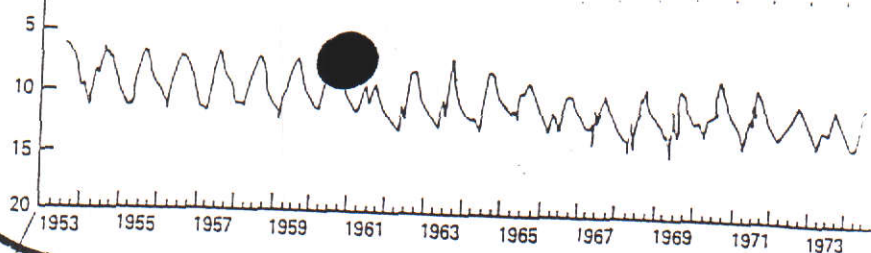
APR 26 2001
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ATTACHMENT A - LOCATION MAP





ATTACHMENT B
USGS GROUNDWATER CONTOUR MAP
(Source: Lindholm and others, 1988,
Hydrologic Investigations HA-703)



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APR 26 2001

ATTACHMENT C
IDAHO DEPARTMENT OF RECLAMATION
GROUNDWATER CONTOUR MAP
(Source: Ralston and Chapman, 1970,
Water Reclamation Bulletin No. 15)

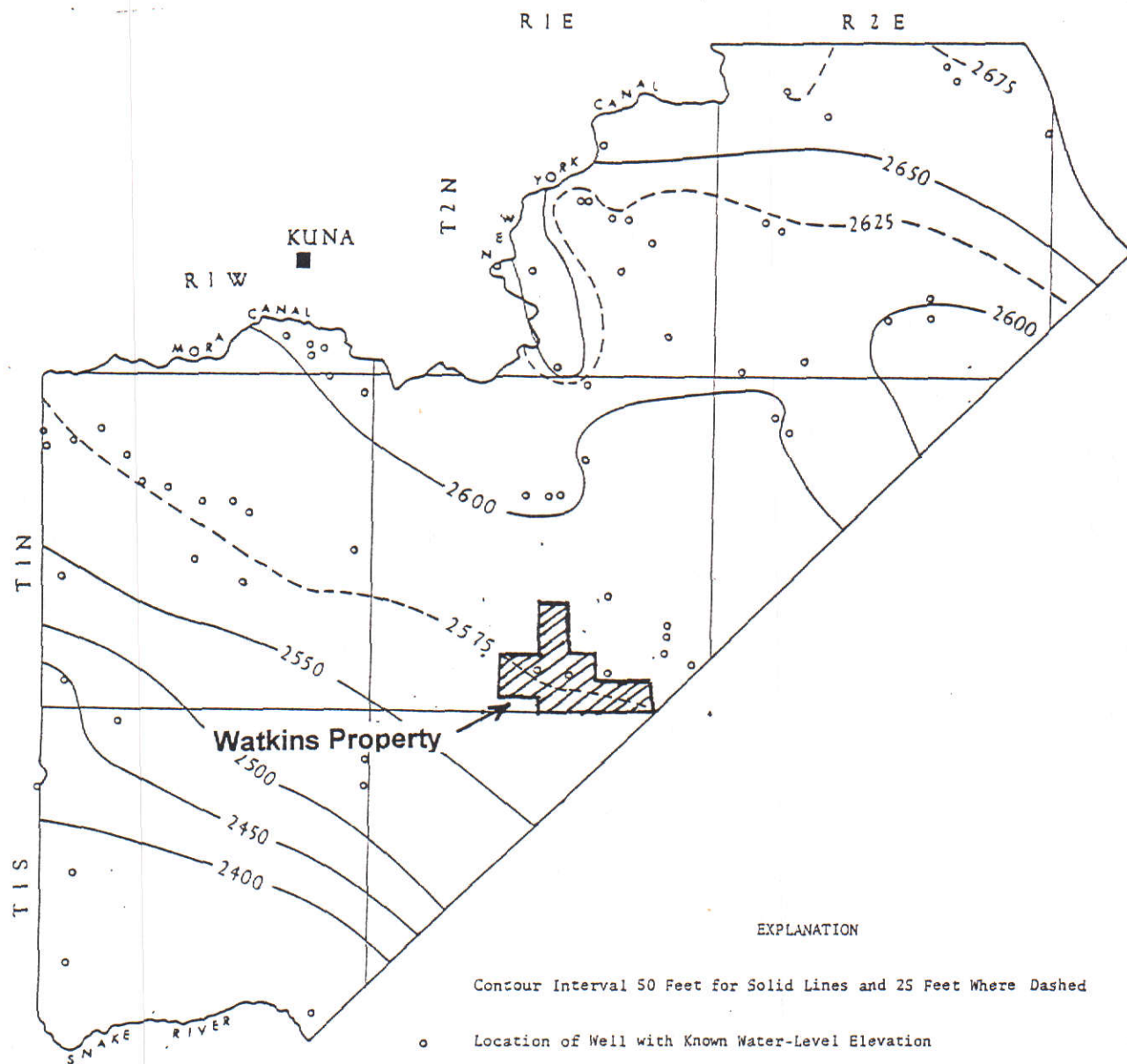


FIGURE 10. Contours of water-level elevation in the Kuna Subarea of southern Ada County.

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APR 26 2001

Note: the following pages are excerpts from the draft report "Treasure Valley Ground Water Levels, 1970-1999" (Carlson and Petrich, 1999, *in preparation*)

1.1.1 Spring 1998

Potentiometric surface contour maps for the spring 1998 mass measurement are shown in Figures 2-9 through 2-11. Solid contour lines represent interpolated contours; dashed lines represent assumed contours in areas with insufficient data for interpolation. Monitoring points (wells) with open intervals in the layer of interest are shown with gray dots. Associated postplots, summary statistics, and variograms will be provided in Appendix C.

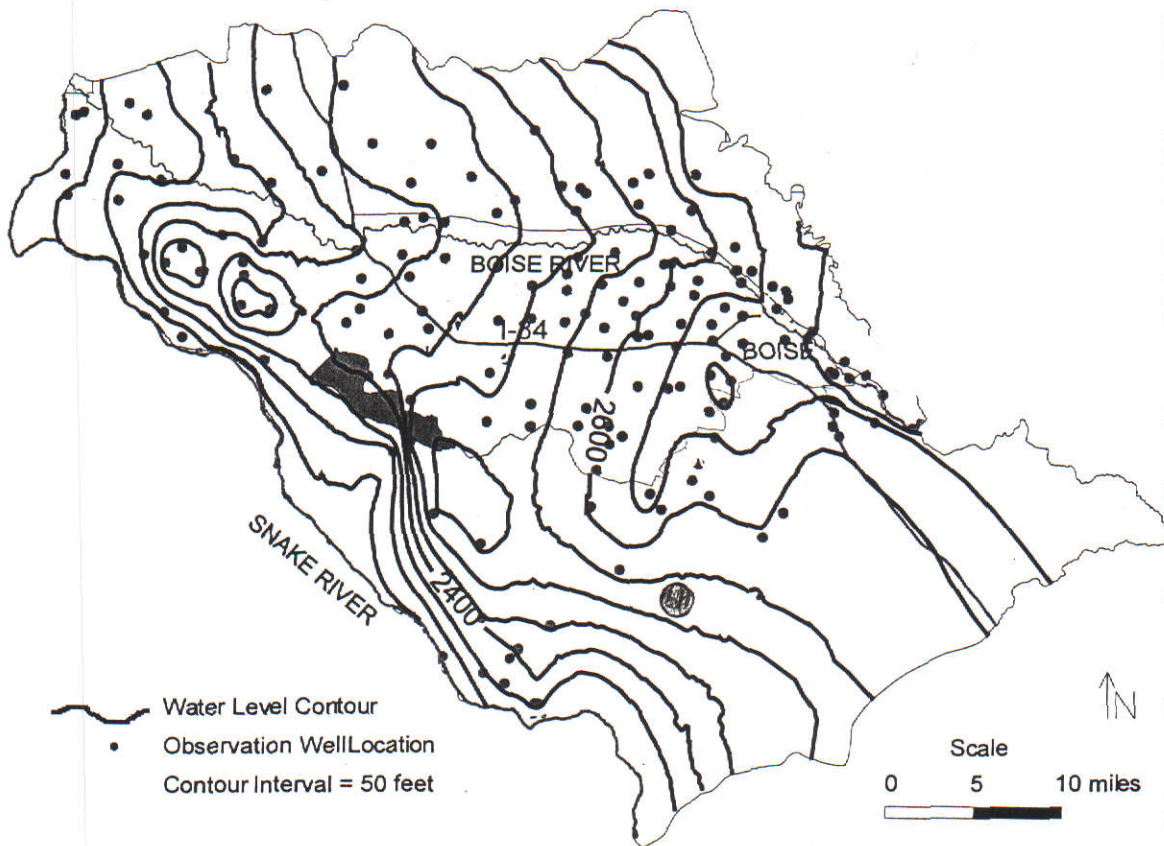


Figure 2-9. Kriged contour map of Treasure Valley shallow aquifer zone for spring 1998.

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APR 26 2001

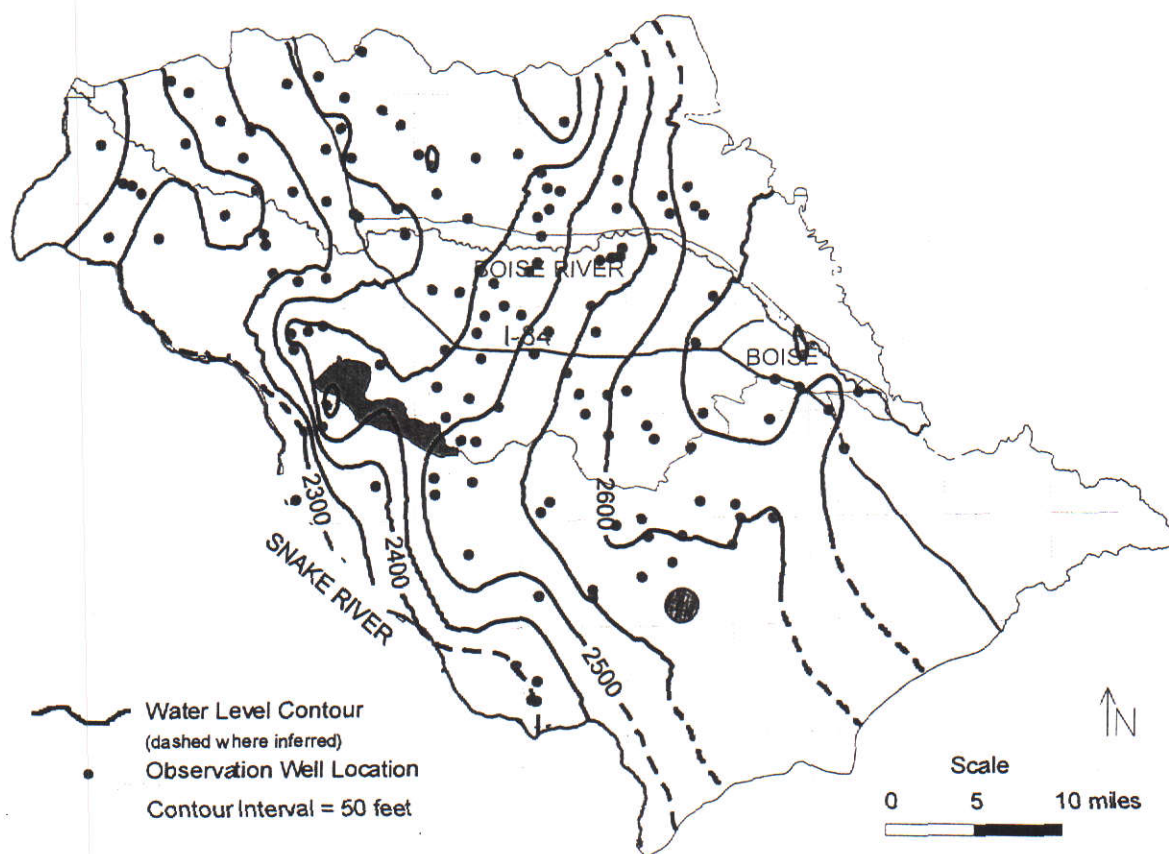


Figure 2-10: Kriged contour map of Treasure Valley intermediate aquifer zone for spring 1998.

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APR 26 2001

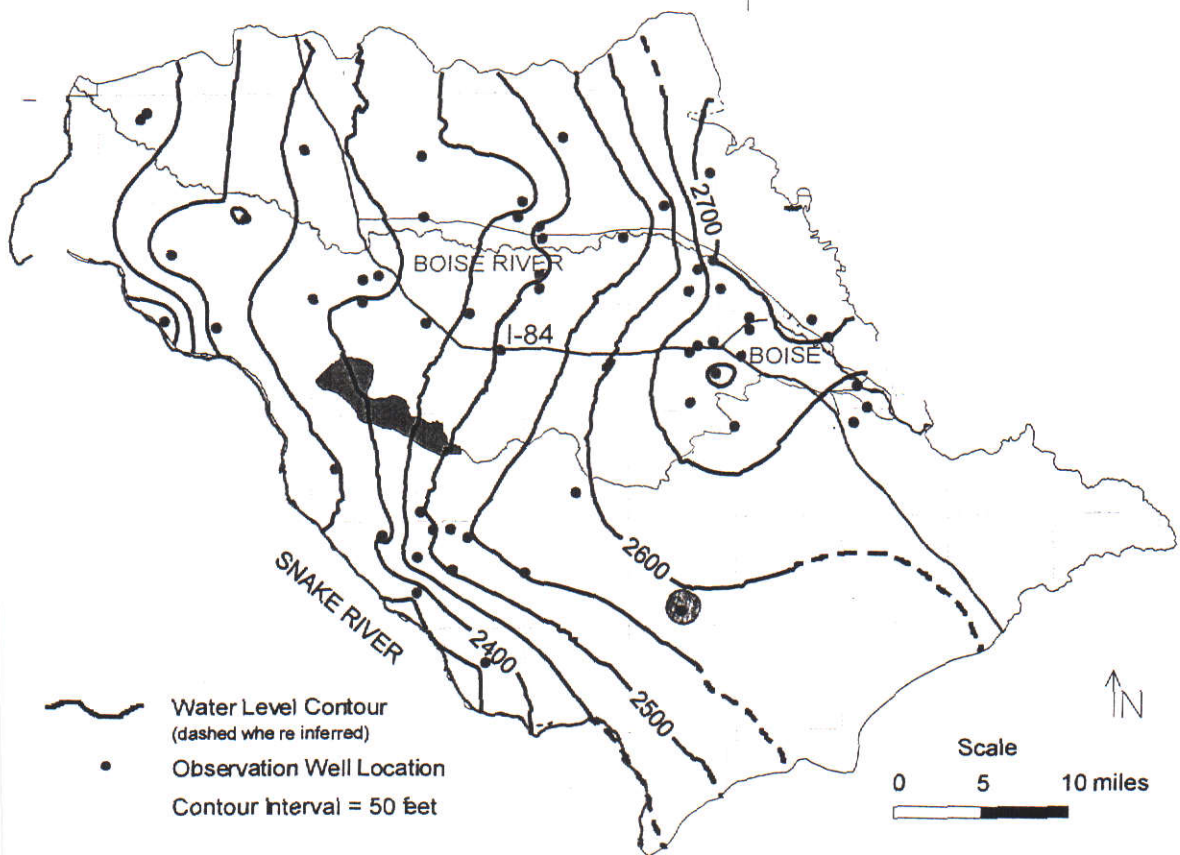
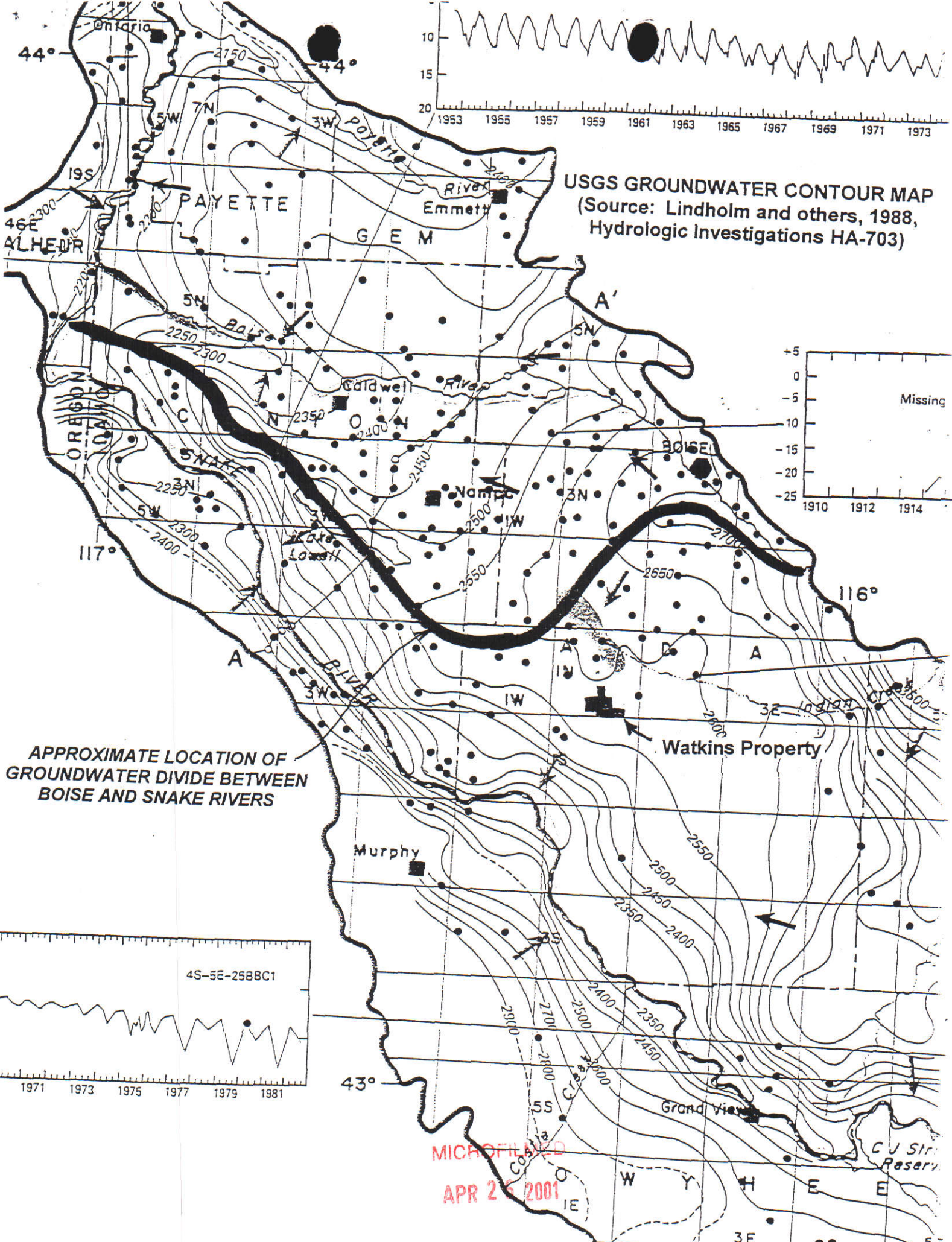


Figure 2-11: Kriged contour map of Treasure Valley deep aquifer zone for spring 1998.

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APR 26 2001



BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NOS.	)	ORDER GRANTING
63-12461 AND 63-12470 IN THE NAME OF	)	EXTENSION OF TIME TO
CITY OF BOISE CITY	)	COMMENCE PROJECT
	)	CONSTRUCTION

This matter having come before the Department of Water Resources (Department) as a request for an extension of time to commence construction, the Department makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On June 1, 2000, the Department issued Permit Nos. 63-12461 and 63-12470 (permits) in the name Don Watkins and/or Brian Watkins with the following condition of approval:

Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

2. On September 29, 2000, the Department received assignments of the permits changing ownership of the permits to the City of Boise City.
3. On May 15, 2001, the City of Boise City requested a six-month extension of time to commence construction of the project authorized under the permits to allow for budgeting of the construction costs and planning efforts.

CONCLUSIONS OF LAW

1. Section 42-204, Idaho Code provides in pertinent part as follows:

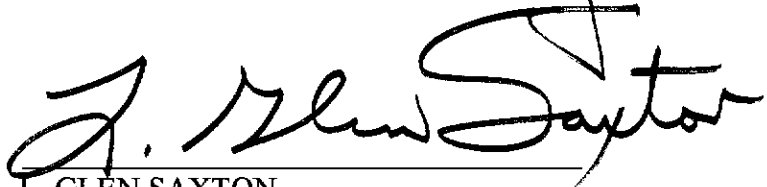
Every holder of a permit which shall be issued under the terms and conditions of an application filed hereafter appropriating twenty-five (25) cubic feet or less per second must, within one (1) year from the date upon which said permit issues from the office of the department of water resources, commence the excavation or construction of the works by which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted through no fault of the

- holder of such permit by circumstances, over which he has no control.
2. The City of Boise City has shown reasonable cause for the delay.
 3. The Department should grant an extension of time in which to commence construction of the project authorized under the permits.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the time period allowed to commence construction of the project authorized under Permit Nos. 63-12461 and 63-12470 is extended by six months to December 1, 2001.

Dated this 18th day of May, 2001



L. GLEN SAXTON
Chief, Water Allocation Bureau

Receipt W027041
10.5.00 \$25.00

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 29 2000

OCT 6 2000
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT
To change the ownership of a permit

WATER RESOURCES
WESTERN REGION

We, Brian Watkins and Arthur Donald Watkins, hereby assign to the City of Boise City,

of, 150 South Capitol Boulevard BOISE ID 83702
(Full Address)

384-3903 - PHONE
(208) 384-3905 - FAX

All my right, title, and interest in and to Permit No. 63-12470 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.)

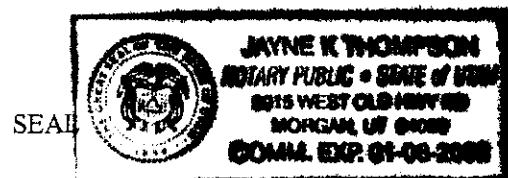
Made this 22nd day of September, 2000.

Arthur Donald Watkins
Permit Holder: Arthur Donald Watkins

Brian D. Watkins
Permit Holder: Brian Watkins

State of Utah)
County of _____) ss.

On this 22nd day of September, 2000, personally appeared before me Arthur Donald Watkins, one of the signers of the above instrument, who duly acknowledged to me that he executed the same.



Jayne K. Thompson
Notary Public residing at _____
My Commission Expires: _____

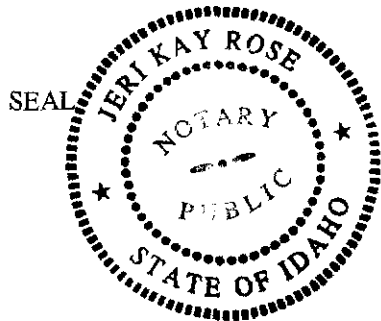
MICROFILMED

APR 25 2001

BOI_MT1:314251.1

State of Idaho)
County of Ada) ss.

On this 26th day of September, 2000, personally appeared before me Brian Watkins, one of the signers of the above instrument, who duly acknowledged to me that he executed the same.



Jeri Kay Rose
Notary Public residing at Boise
My commission expires: 10/18/00

MICROFILMED

APR 26 2001

801 MT1:314251.1

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12470

Priority: September 9, 1998

Maximum Diversion Rate:

8.99 CFS

This is to certify, that DON WATKINS
BRIAN WATKINS
PO BOX 32
KUNA ID 83634-0032

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>
IRRIGATION	03/01 to 11/15	8.80 CFS
STOCKWATER	01/01 to 12/31	0.19 CFS
	Totals	8.99 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 33, Township 01N, Range 01E
SENEW , Sec. 33, Township 01N, Range 01E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N 01E 33	NESW 40.0	NESE 40.0	NWSE 40.0	120.0
35	NESW 40.0	NWSW 40.0	SWSW 40.0	
	SESW 40.0	NESE 40.0	NWSE 40.0	
	SWSE 40.0	SESE 40.0		320.0

Total number of acres irrigated: 440.0

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **May 1, 2005**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

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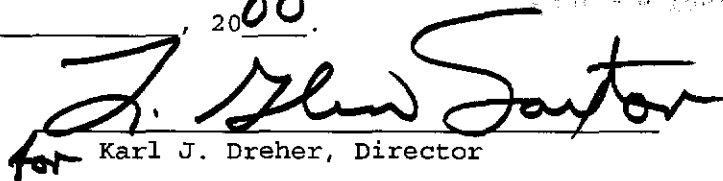
SEP 10 1998

State of Idaho
Department of Water ResourcesPermit To Appropriate Water
NO. 63-12470CONDITIONS OF APPROVAL AND REMARKS

6. Water shall not be diverted and beneficially used under this permit unless water is available under Right 02-02268 (in the name of Bell Rapids Mutual Irrigation Co.) and the portion thereof purchased by the permit holder as evidenced by the agreement for purchase and sale of water right dated 2/18/2000 is left undiverted in the Snake River.
7. Rights 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 9.80 cfs, a total annual maximum diversion volume of 2317.6 af at the field headgate, and the irrigation of 595 acres.
8. The department retains jurisdiction until proof of beneficial use is submitted or the proof of beneficial use date as listed in the permit or as subsequently extended by action of the department, whichever date occurs first, to modify the conditions of approval relative to the mitigation plan. The modified conditions may provide for additional acreage to be irrigated and more water to be diverted within the limits of the applications as filed if the right holder provides additional mitigation or the need for mitigation is found to be unnecessary in whole or part.
9. The permit holder is not authorized to assign ownership of this permit or the part of the Bell Rapids water right used for mitigation without prior written approval of the department. In its consideration of a request for assignment, the department will review the permit holder's diligence in the development of a water right and the extent of development performed under terms of the permit.
10. The right holder shall install suitable measuring devices or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department. Annual reporting shall include documentation that Bell Rapids' diversion rate and volume have been reduced and the acreage associated with the right holder's purchased portion of the right has not been irrigated and other expansion of acreage under Bell Rapids' right has not occurred.
11. Failure to comply with the mitigation plan requirements or conditions of this approval is cause for the department to cancel this permit.
12. Water bearing zone to be appropriated is 300 to 600 feet.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. 1410701.001
Witness the signature of the Director, affixed at Boise, this

1st day of June, 2000.


for Karl J. Dreher, Director

RECEIVED

FORM 202

SEP 10 1998

Ident. No. 63-12470

1/86

RECEIVED

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 11 1999

APPLICATION FOR PERMIT

SEP 09 1998

To appropriate the public waters of the State of Idaho

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant Don & Brian Watkins Phone 362-0433
Post Office address P.O. Box 32 RUNA Id. 83634
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of NE 1/4 of NW 1/4, Govt. Lot _____
Sec. 33 Township 01N Range 01E B.M. ADA County; additional points of diversion if any: SE NW, S33, T01N, R01E, Ada City.
4. Water will be used for the following purposes:
 Amount 8.80 for irrigation purposes from 4/1 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount 0.19 for stockwater purposes from 1/1 to 12/31 (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)
5. Total quantity to be appropriated is (a) 8.99 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. additional wells to expand existing system. EXISTING SYSTEM IS ALREADY INTERCONNECTED.
 - 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 20" inches; proposed depth of well is 400 ft. 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 5 years (minimum 1 year)
(1-5)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity if KW. _____
 - b. Stockwatering; list number and kind of livestock. 700 head range cattle
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

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* standard irrigation season - 9/9/98 c3.

APR 26 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	
21N	01E	33									40				40	40			120
		35									40	40	40	40	40	40	40	40	320

Total number of acres to be irrigated 440

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? Arthur Donald Watkins

b. Who owns the land to be irrigated or place of use? SAME

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: _____

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

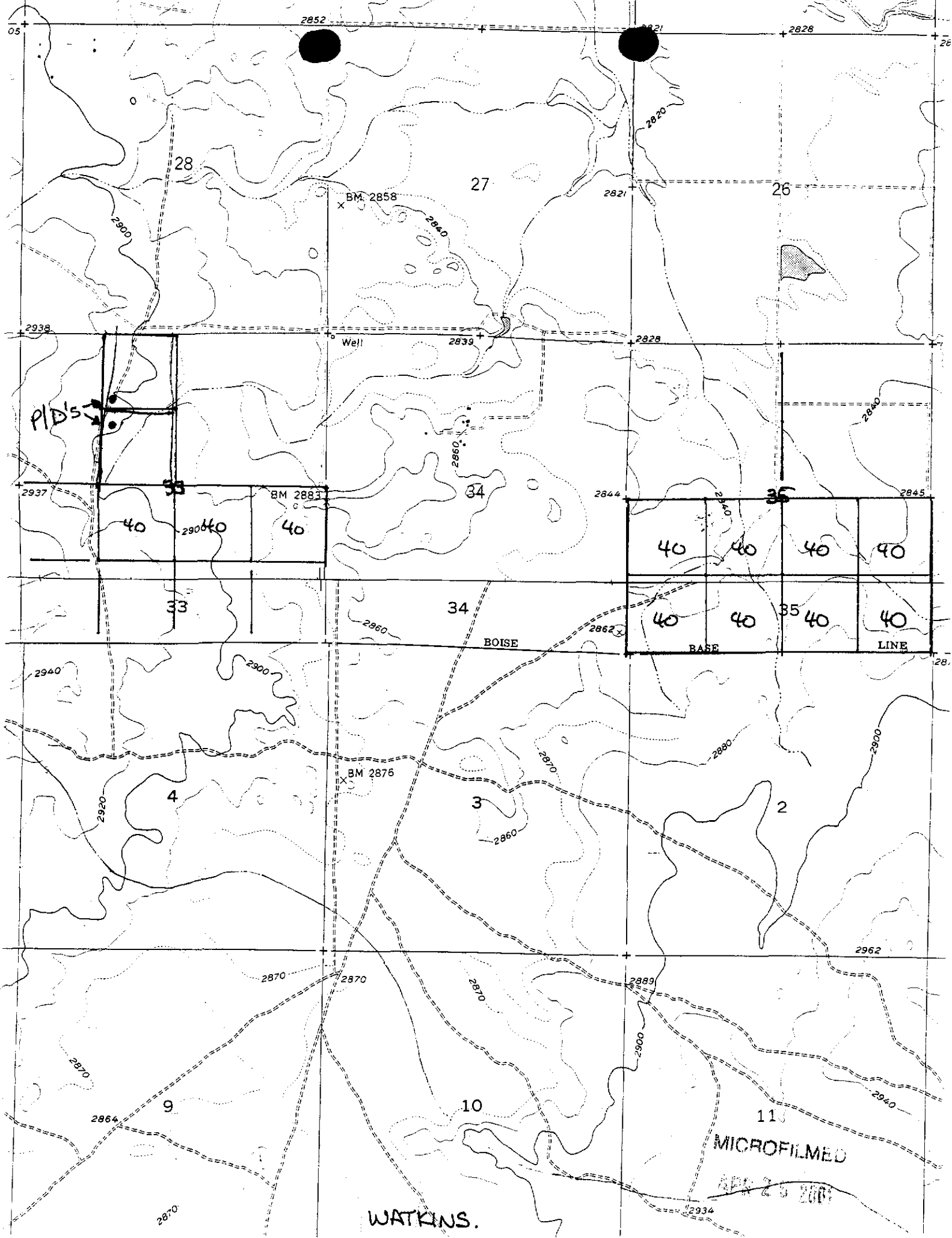
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Arthur Donald Watkins
(Applicant)

Received by CJ Date 9/9/98 Time 10:25am Preliminary check by lg
 Fee \$ 205.00 Received by Waterman # CD43340 Date 9/19/98
 Publication prepared by ST Date 2-10-99 Published in Idaho Statesman
 Publication approved ST Date 4-6-99 3-18-99 3-25-99

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APR 28 2001



WATKINS.

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

SEP 09 1998

WATER RESOURCES
WESTERN REGION

September 4, 1998

Mr. Don Watkins
P.O. Box 32
Kuna, ID 83634

Subject: Groundwater Flow Direction – South Cloverdale Road Property

Dear Don:

At your request, I have briefly evaluated groundwater flow direction beneath your property at the south end of Cloverdale Road, in Sections 27, 33, 34, and 35, T1N, R1E. The property is shown on Attachment A.

The investigation finds that groundwater flow direction is southwest, toward the Snake River. This conclusion is based on groundwater contour maps published by the US Geological Survey and the Idaho Department of Reclamation (Attachments B and C). Based on the southwest flow direction, groundwater beneath your property is tributary to the Snake River.

Please contact me with any questions.

Sincerely,

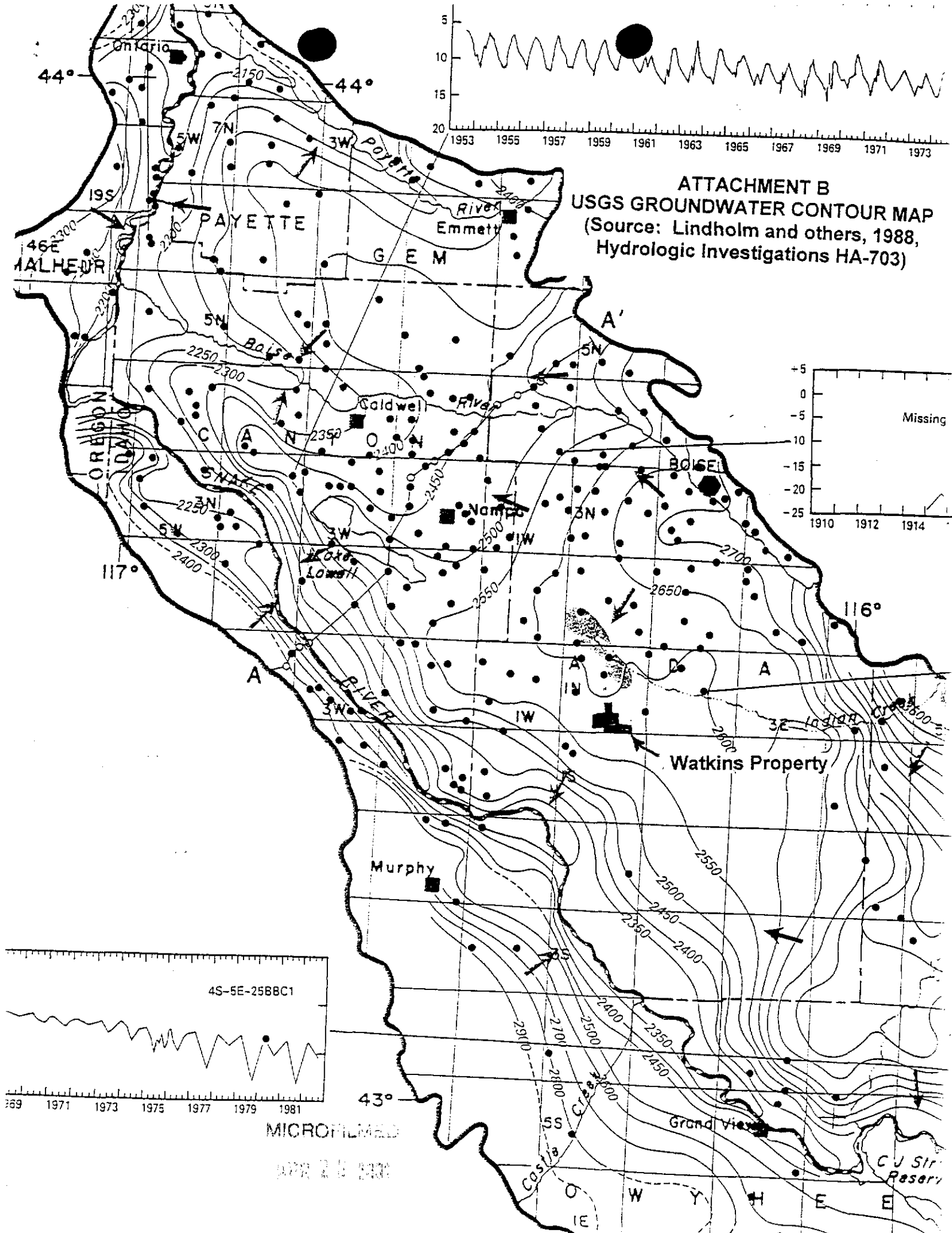


Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

Enclosures

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SEP 25 2001



ATTACHMENT C
IDAHO DEPARTMENT OF RECLAMATION
GROUNDWATER CONTOUR MAP
(Source: Ralston and Chapman, 1970,
Water Reclamation Bulletin No. 15)

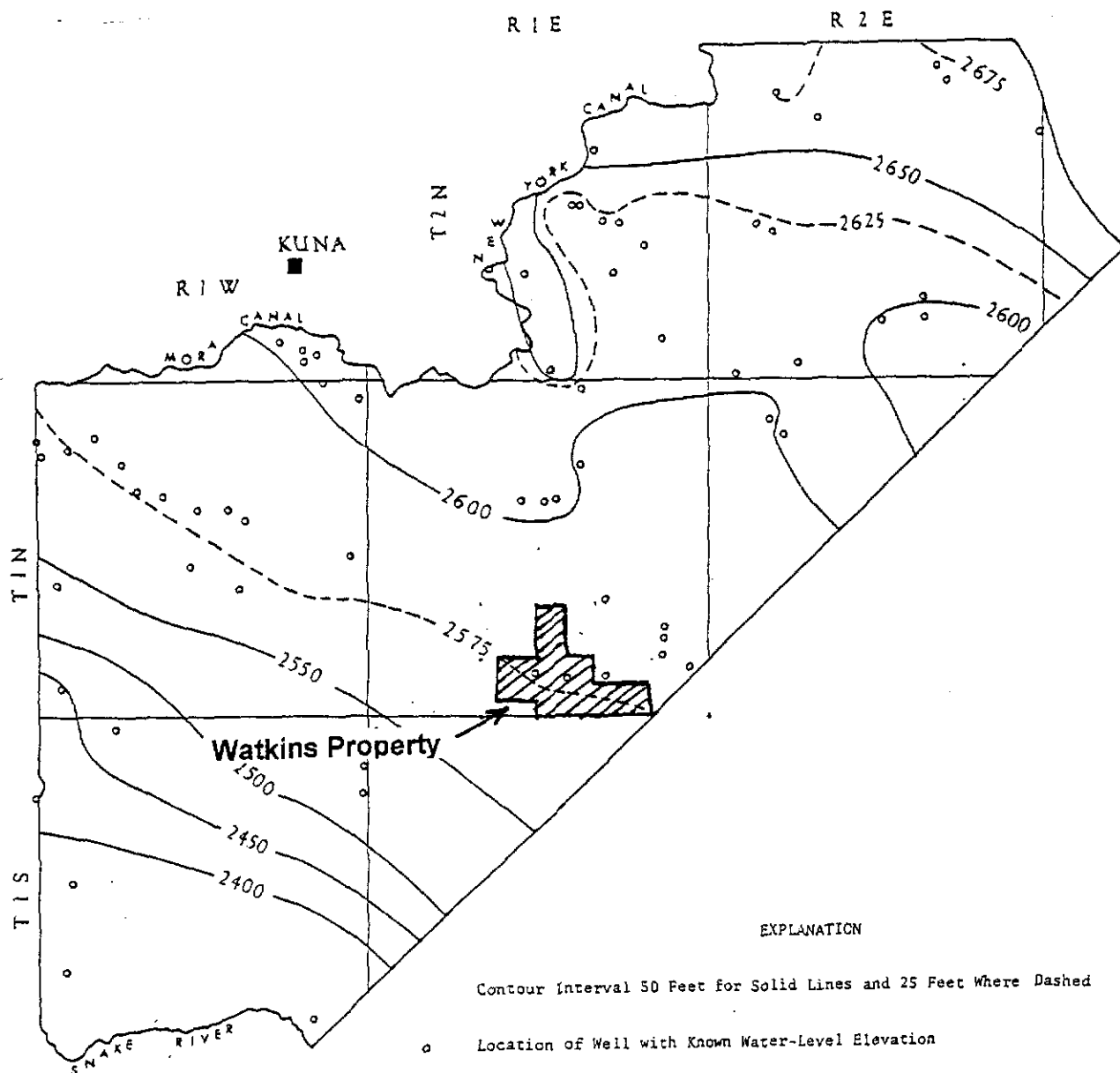


FIGURE 10. Contours of water-level elevation in the Kuna Subarea of southern Ada County.

MICROFILMED
OCT 25 1981

Snake River Basin Adjudication
Change in Address of Notice of Claim

RECEIVED

APR 10 2001

WATER RESOURCES
WESTERN REGION

[X] Water Right Number(s): 63-12461
63-12420

RECEIVED

[X] Old Mailing Address:

City of Boise
150 S. Capitol Blvd
Boise, ID 83702

APR 12 2001

Department of Water Resources

[X] New Mailing Address:

City of Boise
Public Works Dept.
P.O. Box 500 Boise, ID

83701

Telephone Number:

(208) 384-3901

[X] Signature of Claimant:

Beth K. Baird

Environmental Programs Coordinator

Date:

4/9/01

PLEASE SEND YOUR SRBA CHANGE OF ADDRESS TO THE NEAREST
REGION OFFICE:

IDWR WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705-5082
(208) 334-2190

IDWR SOUTHERN REGION
222 SHOSHONE ST EAST
TWIN FALLS ID 83301-6602
(208) 736-3033

IDWR EASTERN REGION
900 N SKYLINE
IDAHO FALLS ID 83402-3653
(208) 525-7161

IDWR NORTHERN REGION
1910 NORTHWEST BLVD #210
COEUR D'ALENE ID 83814-2615
(208) 756-4639

Revised 5/95

IDWR: DATA ENTRY BY _____

DATE _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 18, 2001

CITY OF BOISE CITY
PO BOX 500
BOISE ID 83701-0500

RE: Water Permits 63-12461 and 63-12470

Dear Water Right Holder(s):

Enclosed please find an Order Granting Extension of Time to Commence Project Construction issued by the department in reference to the above listed information.

If you have any questions regarding this matter, please call me at 327-7940.

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

JUN 6 2001

LEGAL DEPARTMENT
SUSAN LYNN MIMURA
CITY ATTORNEY



H. BRENT COLES
MAYOR

COUNCIL MEMBERS

CAROLYN TERTELING-PAYNE
COUNCIL PRESIDENT
MIKE WETHERELL
COUNCIL PRO TEM

SARA BAKER
PAULA B. FORNEY
M. JEROME MAPP
JON MASON

May 14, 2001

RECEIVED

MAY 15 2001

VIA FACSIMILE (208) 327-7866 AND REGULAR MAIL

Department of Water Resources

Norman Young, Administrator
State of Idaho Department of Water Resources
Water Management Division
1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098

Re: Water Right Permits 63-12461, 63-12470

Dear Mr. Young:

As you may recall, in the latter part of 2000, the holder of the permits referenced above, A. Donald Watkins, sought to assign the water rights permits to the City of Boise in conjunction with the City's purchase of acreage owned by Mr. Watkins. Mr. Watkins, who had acquired the permits from the Toolson's on the Bell Rapid Project, and the City of Boise sought IDWR's consent for the assignment, which was granted in a letter from you dated September 26, 2000 (See Attached).

On page two of your September 26, 2000 letter, you reference the permit condition of approval requiring the project to commence construction by June 1, 2001 ... "unless extended by IDWR." Because the transaction closed in late 2000, the City of Boise hereby formally seeks IDWR's consent for a six month extension of this time period to allow for City of Boise budgeting of the construction costs and planning efforts.

Thank you for your consideration of the City's request.

Sincerely,

Matthew K. Wilde
Assistant City Attorney

MICROFILMED

Attachment

MAY 15 2001



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

September 26, 2000

Boise City
Attn: Matthew K. Wilde, Esq.
101 S. Capital Blvd, Ste 700
P.O. Box 500
Boise, Idaho 83701-0500

Re: Water Right Permit Nos. 63-12461 and 63-12470
in the name of Don Watkins and Brian Watkins

Dear Mr. Wilde:

The Idaho Department of Water Resources (IDWR) issued Water Right Permit Nos. 63-12461 and 63-12470 in the name of Don Watkins and Brian Watkins on June 30, 2000. The two ground water permits are for irrigation on lands located in Ada County now being purchased by Boise City. The two water rights when combined shall not exceed a total diversion rate of 9.80 cfs, and a total annual maximum diversion volume of 2317.6 acre feet. Condition of Approval No. 9 to each permit provides:

The permit holder is not authorized to assign ownership of this permit or the part of the Bell Rapids water right used for mitigation without prior written approval of the department. In its consideration of a request for assignment, the department will review the permit holder's diligence in the development of a water right and the extent of development performed under terms of the permit.

Permit holder, A. Donald Watkins, has requested IDWR's consent to assign Water Right Permit Nos. 63-12461 and 63-12470, and a 9.8 cfs part of Water Right 02-02268, acquired from Bell Rapids Mutual Irrigation Co. for mitigation, to Boise City. The request is supported by the Affidavit of A. Donald Watkins. I have reviewed the terms of the permits and the Affidavit of A. Donald Watkins. Based upon the information contained in the affidavit, the permit holder has exercised reasonable diligence in the development of the water right in accordance with the requirements of the permit. The approval of IDWR to the assignment of Water Right Permit Nos. 63-12461 and 63-12470 and the associated mitigation water right to Boise City is hereby provided.

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SEP 26 2000

Matthew K. Wilde, Esq.
September 25, 2000
Page 2

The City's attention is drawn to the permit conditions of approval, including standard Condition of Approval No. 3 attached to each permit requiring project construction to commence within one year from the date of issuance of the permits on June 1, 2000, unless extended by IDWR. Attention also is drawn to the permit conditions requiring the permit holder to comply with the requirements of an approved mitigation plan in the use of these permits. Please give me a call at 327-7910 regarding any issues or concerns raised by this letter.

Sincerely,



NORMAN C. YOUNG
Administrator
Water Management Division

cc: John C. Ward, Esq.
Justin R. Seamons, Esq.

MICROFILMED

JUL 2 1998



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

April 4, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CITY OF BOISE
150 S CAPITOL BLVD
BOISE ID 83702

RE: Change of Ownership for Water Right 63-12470

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

APR 16 2001

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

John C. Ward

208.385.5340 direct
jcw@moffatt.com

RECEIVED

SEP 26 2000

Department of Water Resources

September 25, 2000

Boise
Idaho Falls
Pocatello

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208.345.2000
208.385.5384 fax
www.moffatt.com

Phillip J. Rassier
Idaho Department of Water Resources
1301 North Orchard
P.O. Box 83720
Boise, ID 83720-0098

Re: IDWR Water Permit Nos. 63-12470 and 63-12461

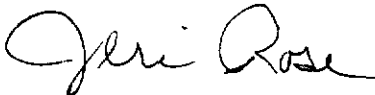
Issued June 1, 2000, to A. Donald Watkins

MTBR&F File No. 18-239.0

Dear Phil:

Enclosed is the original Affidavit of A. Donald Watkins that we discussed by telephone this afternoon. We have sent another Affidavit to Mr. Watkins this afternoon, asking him to sign it in the presence of a notary. We will get that fully executed Affidavit to you as soon as we have it back. In the event that you require additional information, please feel free to contact me at any time.

Very truly yours,



Jeri K. Rose, Certified PLS
Administrative Assistant to
John C. Ward

MICROFILMED

SEP 26 2000

JUSTIN R. SEAMONS

ATTORNEY AT LAW

Falls Professional Center

1201 Falls Avenue East, Suite 30
Twin Falls, Idaho 83301

RECEIVED

SEP 27 2000

Department of Water Resources

Office: (208) 736-0075
Facsimile: (208) 734-0858
Residence: (208) 733-3892

September 25, 2000

Department of Water Resources
Attn: Sharla Curtis
1301 North Orchard
Boise, ID 83706

Re: Bell Rapids Mutual Irrigation Company / Val A. and Elizabeth D. Toolson.

Dear Sharla:

I represent Bell Rapids Mutual Irrigation Company. I have prepared this letter to confirm our telephone conversations on July 28 and 31, 2000.

Bell Rapids Mutual Irrigation Company operates and maintains an irrigation system, located in Twin Falls County and Elmore County, Idaho. The common name of the irrigation system is the Bell Rapids' Project. Val A. and Elizabeth D. Toolson own a farm on the Bell Rapids' Project.

Bell Rapids Mutual Irrigation Company provides water to its shareholders for purposes of irrigating approximately 25,526 acres. Bell Rapids owns Water Right No. 02-2268. See WATER RIGHT LICENSE NO. 02-2268, December 16, 1963. The amount of water under such right is "432 cfs."

Mr. and Mrs. Toolson **were** shareholders of Bell Rapids Mutual Irrigation Company; however, Mr. and Mrs. Toolson recently endorsed and surrendered their shares. Mr. and Mrs. Toolson now have no right, title, or interest in the irrigation system and Bell Rapids Mutual Irrigation Company will not provide water to them.

Bell Rapids Mutual Irrigation Company hereby notifies the Department of Water Resources to transfer 9.8 cfs of WATER RIGHT LICENSE NO. 02-2268, with a consumptive use volume of 1,738.2 acre feet per year and a diversion volume of 2,317.60 acre feet per year, to Mr. and Mrs. Toolson.

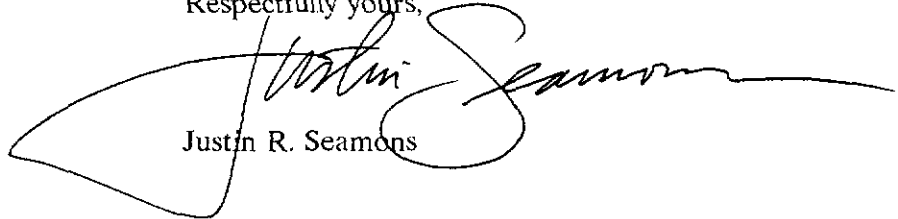
MICROFILMED

SEP 28 2000

Sharla Curtis
September 25, 2000
Page 2

Please let me know if you have any questions or comments. Thank you for your cooperation.

Respectfully yours,



Justin R. Seamons

cc: Bell Rapids Mutual Irrigation Company
Attn: Diana Bray
388 East 5900 North
Hagerman, ID 83332

Terry M. Scanlan (via facsimile)
(208) 383-4156

John C. Ward (via facsimile)
(208) 385-5384

Phillip J. Rassier (via facsimile)
(208) 327-7866

Matthew K. Wilde (via facsimile)
(208) 384-4454

c:\wp51\jrs\tem.001

MICROFILMED

SEP 25 2000

31
After Recording
Return to:

John C. Ward
Moffatt Thomas
P.O. Box 829
Boise, ID 83701

ADA COUNTY RECORDER
L. DAVID NAVARRO
BOISE, IDAHO

2000 SP 28 PM 4:10

RECORDED - REQUEST OF
FIRST AMERICAN
FEE 6.00 DEPUTY J. Haggler
100077564

RECEIVED

OCT 5 - 2000

Department of Water Resources

FA-137634

WARRANTY DEED

FOR VALUE RECEIVED, Cattle, Incorporated, an Idaho corporation, Grantor, does hereby grant, bargain, sell and convey unto Arthur Donald Watkins, an individual, as his sole and separate property, whose address is 4794 West Cree Way, Boise, Idaho 83709, the following described real property, located in Ada County, Idaho, to wit:

East 1/2 of the NE 1/4 of the NW 1/4 of Section 33, Township 1
North 1 East, Boise Meridian

hereinafter referred to as the "Premises."

TO HAVE AND TO HOLD the said Premises, with their appurtenances, unto the said Grantee, his heirs, successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said Premises; that said Premises are free from all liens, claims and encumbrances, and that it will warrant and defend the same from all other lawful claims whatsoever.

IN WITNESS WHEREOF, the undersigned has caused its name to be hereunto subscribed this 14th day of September 2000.

CATTLE, INCORPORATED

By

George Wadsworth, President

MICROFILMED

SEP 18 2000

STATE OF Idaho)
) ss.
County of Ada)

On this 14 day of September, 2000, before me, a Notary Public in and for said State, personally appeared George Wadsworth, known to me to be the President of CATTLE, INCORPORATED, who subscribed to the within instrument in his official capacity and acknowledged to me said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Marcie Baker
Notary Public for Idaho
My Commission Expires: 4.10.06

FA 137634

37

RECORDED - REQUEST OF
FIRST AMERICAN

ADA COUNTY RECORDER
J. DAVID WATKINS
BOISE, IDAHO

FEE 300 DEPUTY *J. Harper*

2000 SP 28 PH 4:10

100077565

FOR VALUE RECEIVED, ARTHUR DONALD WATKINS, a married man, as sole and separate property, hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto the CITY OF BOISE CITY, hereinafter referred to as Grantee, whose current address is P.O. Box 324, Thayne, Wy, the following described premises, to-wit:

TOWNSHIP 1 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO

Section 27: West Half
Section 33: Northeast Quarter; East half of the Northwest Quarter;
Northwest Quarter of the Southeast Quarter; Northeast
Quarter of the Southwest Quarter; Northeast Quarter
of the Southeast Quarter
Section 34: ALL
Section 35: South half

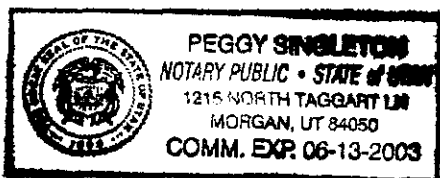
To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current year's 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: September 15, 2000.

Arthur Donald Watkins
ARTHUR DONALD WATKINS

STATE OF UTAH)
County of MORGAN) ss.

On this 15th day of September, in the year 2000, before me, a Notary Public in and for said State, personally appeared ARTHUR DONALD WATKINS, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.



Peggy Singleton
NOTARY PUBLIC FOR UTAH
Residing at MORGAN UTAH
My Commission Expires: 06-13-03

MICROFILM
SEP 20 2001

10/04/00 00.00 2200 00+ 110+ CITY ATTORNEY 0002

RESOLUTION No. 16183

BY THE COUNCIL:

**BAKER, FORNEY, MAPP, MASON,
TERTELING-PAYNE AND WETHERELL**

A RESOLUTION APPROVING AN AGREEMENT FOR TRANSFER OF WATER PERMITS FROM ARTHUR DONALD AND BRIAN WATKINS TO BOISE CITY; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Boise City intends to purchase and Arthur Donald and Brian Watkins intend to sell property known as the Watkins Ranch; and

WHEREAS, the parties to said agreement have further agreed that in conjunction with the purchase and sale of the Watkins Ranch that Seller will transfer the Water Permits to the Purchaser Boise City; and

WHEREAS, the parties have agreed that Boise City will pay the Sellers all amounts paid by the Seller to acquire such permits, and such amounts are comprised of payments to Val and Elizabeth Toolson of \$116,373.00, engineering costs to Scanlan Engineering of \$5,716.60, attorney's fees to Moffatt, Thomas, Barrett, Rock & Fields of \$6,900.00 plus closing costs incurred.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE, CITY, IDAHO:

- Section 1. That the AGREEMENT FOR TRANSFER OF WATER PERMITS, a copy of which is attached hereto as Exhibit "A" and made part hereof by attachment, for the water rights associated with the Watkins Ranch property is needed by the City to maximize the usability and value of the property.
- Section 2. That the Mayor and City clerk be, and they hereby are, authorized to respectively execute and attest said Agreement For Transfer of Water Rights upon behalf of Boise City.
- Section 3. That this Resolution shall be in full force and effective immediately upon its adoption and approval.

ADOPTED by the Council of the City of Boise City, Idaho this 26th day of Sept, 2000.

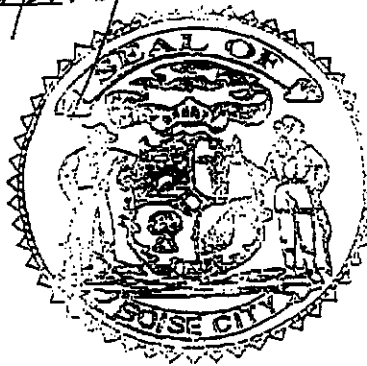
APPROVED by the Mayor of the City of Boise City, Idaho this 26th day of Sept, 2000.

ATTEST:

Janette P. Sporey
CITY CLERK

APPROVED:

G. Brent Cohen
MAYOR



MICROFILMED

SEP 26 2000

AGREEMENT FOR TRANSFER OF WATER PERMITS

THIS AGREEMENT between **ARTHUR DONALD WATKINS** and **BRIAN WATKINS** (collectively the "Seller") and **BOISE CITY** (the "Purchaser") is made and entered into this 26th day of September, 2000.

WITNESSETH:

1. Seller is the owner of certain agricultural real property in Ada County, State of Idaho more particularly described in Exhibit A annexed hereto and incorporated herein (the "Watkins Ranch").

2. Seller has agreed to sell, and Purchaser has agreed to purchase, the Watkins Ranch for the sum of \$2,404,800.00. Such purchase and sale is documented by a certain Purchase and Sale Agreement entered into between Seller and Purchaser (the "Purchase and Sale Agreement").

3. On June 1, 2000, the Idaho Department of Water Resources (the "IDWR") issued to the Seller permits to appropriate water on the Watkins Ranch Nos. 63-12470 and 63-12461 (the "Water Permits") pursuant to the terms and conditions set forth in the Water Permits. Copies of the Water Permits are annexed hereto as Exhibit B and by this reference incorporated herein.

4. The issuance of the Water Permits by IDWR to the Seller was on the express condition that Seller remediate the water to be appropriated by the Water Permits by acquiring certain water rights in the Bell Rapids Mutual Irrigation Company ("Bell Rapids") from Val and Elizabeth Toolson ("Toolson") and effect the retirement of such water rights, thereby causing Bell Rapids to transfer a residual water right to Toolson for conveyance to the Seller (the "Remediation Water Right").

5. The parties hereto have agreed that in conjunction with the purchase and sale of the Watkins Ranch that Seller will transfer the Water Permits to the Purchaser and that in consideration therefor, that the Purchaser will pay to the Seller all amounts paid by the Seller to acquire such permits.

NOW, THEREFORE, the parties hereto agree as follows:

1. **Costs Incurred by Seller in Acquiring the Water Permits.** Seller has incurred the following costs in acquiring the Water Permits:

a. Payment to Val and Elizabeth Toolson for remediation water rights in the amount of \$115,480.00;

b. Engineering costs incurred to Scanlan Engineering in aid of acquiring the water permits \$5,716.60;

c. Attorney's fees incurred to Moffatt, Thomas, Barrett, Rock & Fields in aid of acquiring the water permits in the amount of \$6,900.00; and

d. Closing costs incurred in the acquisition of remediation rights in water located in the Bell Rapids Irrigation Corporation from Toolson.

Purchaser agrees to pay such costs to the Seller, in addition to the \$2,404,800.00 purchase price, for the Watkins Ranch pursuant to the Purchase and Sale Agreement on the date agreed by the parties hereto to close the Purchase and Sale Agreement (the "Closing Date").

2. **Closing.** The closing of the transaction required to transfer the Water Permits from the Seller to the Purchaser as hereinabove provided shall occur on the Closing Date. On the Closing Date, the Purchase shall pay to the Seller an amount equal to the Seller's costs incurred in acquiring the Water Permits as set forth in Section 1 hereof, and Seller shall provide Purchaser with an absolute assignment of the Water Permits and the Remediation Water Right, together with a letter issued by IDWR consenting to the transfer of the Water Permits and the Remediation Water Right from the Seller to the Purchaser. In addition to the foregoing, Seller shall provide Purchaser with documentation from Bell Rapids approving the transfer of the Remediation Water Right from Toolson to Seller and from Seller to Purchaser; and approval of the retirement of the Remediation Water Right to be issued by Bell Rapids to Toolson upon cancellation of Toolson's shares in Bell Rapids, together with approval by Bell Rapids of the use of such Remediation Water Right for mitigation as set forth in the Water Permits.

3. **Acknowledgments.** The parties hereto acknowledge and agree that it is the intent of the parties that the closing of this Agreement for Transfer of Water Permits and the Purchase and Sale Agreement be simultaneous, and that neither party shall be under any obligation to close either transaction at any other time without the express written consent of both parties hereto. The parties further acknowledge and agree that the performance and closing of this Agreement is subject to the simultaneous closing of the Purchase and Sale Agreement.

4. **Amendment.** This Agreement may be amended only in writing signed by the parties hereto.

5. **Attorney's Fees.** In the event it becomes necessary for either party to institute a suit at law or in equity for the purposes of enforcing any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the non-prevailing party the prevailing party's reasonable attorney's fees plus court costs and expenses incurred in connection therewith.

6. **Governing Law.** This Agreement shall be interpreted, construed and enforced in accordance with and governed by the laws of the State of Idaho, irrespective of the place of execution, negotiation, place of performance or of the order in which signatures of the parties are affixed hereto.

7. **Entire Agreement.** This Agreement contains all the understandings and agreements between the parties concerning the subject matter of this Agreement. No person may orally or by conduct modify, delete, vary, or contradict the terms and conditions set forth herein.

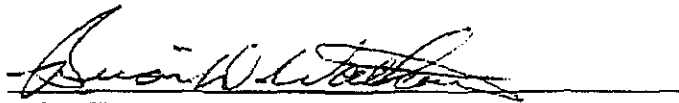
8. **Integration.** The provisions hereof and the covenants hereunder are exclusive and in addition to the covenants and conditions set forth in the Purchase and Sale Agreement.

9. **Default.** In the event that either party fails to perform the covenants and conditions hereunder on the closing date, such party shall be deemed in default and the party not in default hereunder shall be entitled to bring an action for specific performance and/or damages upon such failure to perform.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

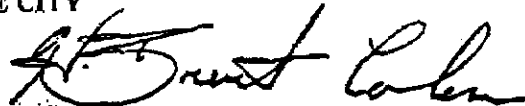
SELLER:

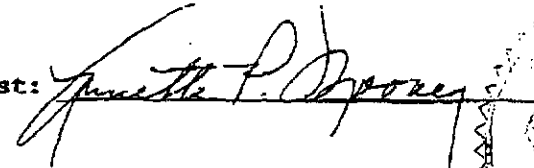

Arthur Donald Watkins


Brian Watkins

PURCHASER:

BOISE CITY


By _____

Attest: 



AGREEMENT FOR TRANSFER OF WATER PER BOISE CITY
090600 1345

BOI_MT1:308556.1

FA-137634/MLC
Your No. WATKINS/CITY OF BOISE



SCHEDULE A CONTINUED

TOWNSHIP 1 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO

Section 27: West Half

Section 33: Northeast Quarter; East half of the Northwest Quarter;
Northwest Quarter of the Southeast Quarter; Northeast
Quarter of the Southwest Quarter; Northeast Quarter
of the Southeast Quarter

Section 34: ALL

Section 35: South half

Address: NO ADDRESS AVAILABLE AT THIS TIME

MLC/kc

MICROFILMED
APR 25 1997

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12470

Priority: September 9, 1998

Maximum Diversion Rate:

8.99 CFS

This is to certify, that DON WATKINS
BRIAN WATKINS
PO BOX 32
KONA ID 83634-0032

has applied for a permit to appropriate water from: GROUNDWATER

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	03/01 to 11/15	8.80 CFS
STOCKWATER	01/01 to 12/31	0.19 CFS
	Totals	8.99 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESW, Sec. 33, Township 01N, Range 01E
SESW, Sec. 33, Township 01N, Range 01E
ADA County

PLACE OF USE: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	ACRES	TOTAL
01N 01E 32	NESW 40.0	NESE 40.0	NWSE 40.0		120.0
35	NESW 40.0	NWSE 40.0	SWSW 40.0		
	SESW 40.0	NESE 40.0	NWSE 40.0		
	SWSE 40.0	SESE 40.0			320.0

Total number of acres irrigated:

440.0

PLACE OF USE: STOCKWATER. same as IRRIGATION use.

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before May 1, 2001.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afu per acre at the field headgate for irrigation of the lands above.

EXHIBIT

B

PAGE 2

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12470

CONDITIONS OF APPROVAL AND REMARKS

6. Water shall not be diverted and beneficially used under this permit unless water is available under Right 02-02268 (in the name of Bell Rapids Mutual Irrigation Co.) and the portion thereof purchased by the permit holder as evidenced by the agreement for purchase and sale of water right dated 2/18/2000 is left undiverted in the Snake River.
7. Rights 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 9.80 cfs, a total annual maximum diversion volume of 2317.6 af at the field headgate, and the irrigation of 595 acres.
8. The department retains jurisdiction until proof of beneficial use is submitted or the proof of beneficial use data as listed in the permit or as subsequently extended by action of the department, whichever date occurs first, to modify the conditions of approval relative to the mitigation plan. The modified conditions may provide for additional acreage to be irrigated and more water to be diverted within the limits of the applications as filed if the right holder provides additional mitigation or the need for mitigation is found to be unnecessary in whole or part.
9. The permit holder is not authorized to assign ownership of this permit or the part of the Bell Rapids water right used for mitigation without prior written approval of the department. In its consideration of a request for assignment, the department will review the permit holder's diligence in the development of a water right and the extent of development performed under terms of the permit.
10. The right holder shall install suitable measuring devices or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department. Annual reporting shall include documentation that Bell Rapids' diversion rate and volume have been reduced and the acreage associated with the right holder's purchased portion of the right has not been irrigated and other expansion of acreage under Bell Rapids' right has not occurred.
11. Failure to comply with the mitigation plan requirements or conditions of this approval is cause for the department to cancel this permit.
12. Water bearing area to be appropriated is 100 to 500 feet.

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

1st day of

June

2000

Karl J. Dreher
for Karl J. Dreher, Director

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12461

Priority: July 22, 1998

Maximum Diversion Rate:

6.40 CFS

This is to certify, that DON WATKINS

BRIAN WATKINS

PO BOX 32

KUNA ID 83634-0032

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>	
IRRIGATION		03/01 to 11/15		6.40 CFS	
<u>LOCATION OF POINT(S) OF DIVERSION:</u>		SWNW , Sec. 27, Township 01N, Range 01E NWSW , Sec. 27, Township 01N, Range 01E ADA County			
<u>PLACE OF USE:</u> IRRIGATION					
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	01E	27	NENEW 40.0	SWNW 40.0	
			SESW 40.0	NNEW 40.0	
			SWSW 40.0	SESW 40.0	
					320.0
Total number of acres irrigated:					320.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before May 1, 2001.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Right holder shall comply with the existing permit requirements of Section 40-215, Idaho Code.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.3 acs per acre at the field headgate for irrigation of the lands above.
6. Water shall not be diverted and beneficially used under this permit unless water is available under Right 02-02258 (in the name of Bell Rapids Mutual Irrigation Co.) and the portion thereof purchased by the permit holder as evidenced by the Agreement for purchase and sale of water right dated 2/18/2000 is left undiverted in the Snake River.

PAGE 2

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12461

CONDITIONS OF APPROVAL AND REMARKS

7. Rights 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 9.80 cfs, a total annual maximum diversion volume of 2317.6 ac at the field headgates, and the irrigation of 599 acres.
8. The department retains jurisdiction until proof of beneficial use is submitted or the proof of beneficial use date as listed in the permit or as subsequently extended by action of the department, whichever date occurs first, to modify the conditions of approval relative to the mitigation plan. The modified conditions may provide for additional acreage to be irrigated and more water to be diverted within the limits of the applications as filed if the right holder provides additional mitigation or the need for mitigation is found to be unnecessary in whole or part.
9. The permit holder is not authorized to assign ownership of this permit or the part of the Bell Rapids water right used for mitigation without prior written approval of the department. In its consideration of a request for assignment, the department will review the permit holder's diligence in the development of a water right and the extent of development performed under terms of the permit.
10. The right holder shall install suitable measuring devices or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department. Annual reporting shall include documentation that Bell Rapids' diversion rate and volume have been reduced and the acreage associated with the right holder's purchased portion of the right has not been irrigated and other expansion of acreage under Bell Rapids' right has not occurred.
11. Failure to comply with the mitigation plan requirements or conditions of this approval shall cause the department to cancel this permit.
12. Water bearing zone to be appropriated at 100 to 200 feet.

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

1st day of June, 2000

Karl J. Dreher
for
Karl J. Dreher, Director

SEP 28 2000

AFFIDAVIT OF A. DONALD WATKINS

Department of Water Resources

STATE OF Idaho)
) ss.
County of Ada)

A. Donald Watkins, being first duly sworn on oath, deposes and says as follows:

1. I am the principal owner of the real property described in Exhibit "A" annexed hereto and incorporated herein (the "Watkins Ranch").

2. The Watkins Ranch is the real property to be benefitted by the State of Idaho Department of Water Resources permits to appropriate water #63-12470 and #63-12461 issued June 1, 2000 (the "Permits").

3. Prior to 1998 I was the owner of certain USDA summer grazing permits, where I grazed cattle maintained on the Watkins Ranch (the "Grazing Permits").

4. In 1998, I became concerned regarding the ongoing validity of the Grazing Permits because of the USDA's sensitivity to continued grazing in an environmentally sensitive area where the Grazing Permits were located.

5. As a result of my concerns, I submitted an application for a permit to appropriate water #63-12461 to the Idaho Department of Water Resources. Such application sought permission to drill wells on the Watkins Ranch. Said application was submitted by me on July 22, 1998.

6. Thereafter, in September of 1998, I engaged Scanlan Engineering to provide an analysis of the ground water flow beneath the Watkins Ranch. Such analysis revealed that the ground water flow beneath Watkins Ranch is toward the Snake River. As a result of Scanlan

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SEP 28 2000

Engineering's findings, I then submitted application for permit to appropriate water #63-12470 to the Idaho Department of Water Resources on September 9, 1998.

7. In December 1998, I further engaged Scanlan Engineering to assist in my submittal to the Idaho Department of Water Resources regarding large diversion requirements and, after requesting comment from the Ada County Commission, Scanlan Engineering further submitted large diversion additional information to the Idaho Department of Water Resources and caused the statutory legal notices of my application to be published according to Idaho law.

8. Between January and May of 1999, Scanlan Engineering continued to work toward mitigation issues and other details involved in the permit applications that I had submitted to the Idaho Department of Water Resources.

9. At all times during the above-described process, I fully intended to use water to be derived from the applied for permits to grow additional forage on the Watkins Ranch for cattle to be raised on the Watkins Ranch. At no time during the above-described process did I consider selling the Watkins Ranch.

10. In August 1999 I was approached by a group representing G&G Investments, a Utah limited liability company, who proposed to purchase the Watkins Ranch and other land holdings in which I held a substantial interest for a very attractive price. While I explored such a sale for an extended period of time, I ultimately elected not to sell the Watkins Ranch to G&G Investments on the terms upon which they ultimately offered to purchase.

11. In February of 2000, I entered into an agreement with Val A. and Elizabeth D. Toolson to purchase water rights owned by them in the Bell Rapids Mutual Irrigation Company to be used in mitigation of the wells I proposed to drill under my applications for permits to

appropriate water on the Watkins Ranch. A copy of said Agreement for Purchase and Sale of Water Rights is annexed hereto as Exhibit "B" and by this reference incorporated herein.

12. In furtherance of closing the purchase and sale of the Toolson water rights, I have directed my attorney to prepare a closing methodology to provide for the retirement of the Bell Rapids Mutual Irrigation Company water rights in conjunction with the issuing of permits to appropriate water on the Watkins Ranch by the Idaho Department of Water Resources. A copy of such closing methodology, which has been approved by the sellers and the buyers, is annexed hereto as Exhibit "C" and by this reference incorporated herein.

13. I have committed a sum in excess of \$120,000 to the purchase and retirement of the Bell Rapids Mutual Irrigation Company water rights that will be canceled in mitigation of the issuance of the Permits.

14. In early April 2000, I was approached by the City of Boise seeking to purchase the Watkins Ranch. While I have not yet entered into any agreement to sell the Watkins Ranch to Boise City, I am contemplating such a sale and request that such a sale (or any other sale of the Watkins Ranch) carry with it the ability to transfer the permits to appropriate water issued by the Idaho Department of Water Resources to the new owner, so long as such use continues to be limited to agricultural purposes and is further limited to use on the Watkins Ranch.

15. On June 1, 2000, the Idaho Department of Water Resources issued the permits to me which include a provision that:

"9. The permit holder is not authorized to assign ownership of this permit or the part of the Bell Rapids water right used for mitigation without prior written approval of the Department. In its consideration of a request for assignment, the Department will review the permit holder's diligence in the development of a water right and the extent of development performed under the terms of the permit."

16 At the time I applied for the permits, I intended to continue to raise cattle on the Watkins Ranch. The offers to purchase the Watkins Ranch discussed herein were not solicited by me, but given my age and personal financial objectives, I have decided to pursue the sale of the Watkins Ranch to Boise City and in the event such sale does not come to fruition, I may consider a sale to some other buyer.

DATED this 28th day of September, 2000.

Arthur Donald Watkins
Arthur Donald Watkins



SUBSCRIBED AND SWORN to before me this 28th day of September, 2000.

Jeri Kay Rose
NOTARY PUBLIC FOR Idaho
My Commission Expires: 10/18/00

MICROFILMED
SEP 25 2001

EXHIBIT A
Property Description
The Watkins Ranch

TOWNSHIP 1 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY,
IDAHO

Section 27: West Half
Section 33: Northeast Quarter;
East half of the Northwest Quarter;
Northwest Quarter of the Southeast Quarter;
Northeast Quarter of the Southwest Quarter;
Northeast Quarter of the Southeast Quarter
Section 34: ALL
Section 35: South Half

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SEP 25 2007

BOI_MT1:311830.1

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT

This Water Right Sale and Purchase Agreement (the "Agreement") is made this 18th day of February, 2000, between and among VAL A. TOOLSON and ELIZABETH TOOLSON, whose address is 74153 Mercury Circle West, Palm Desert, California 92260 (the "Sellers") and A. DONALD WATKINS, whose address is P.O. Box 32, Kuna, Idaho 83634 (the "Buyer").

WITNESSETH:

WHEREAS, the Sellers own approximately 620 acres of land together with a Snake River Water Right evidenced by Bell Rapids Mutual Irrigation Company Certificates No. 328 for 267.1 share and No. 329 for 312.3 shares in Unit No. 16 of the Bell Rapids Project; and

WHEREAS, the Buyer wishes to purchase the above described water right, but not the associated lands or appurtenances thereto; and

WHEREAS, the parties have reached an agreement on the terms and conditions of such sale and purchase;

NOW, THEREFORE, the Sellers and the Buyer agree as follows:

1. Purchase Price. The Sellers agree to sell and the Buyer agrees to purchase for the price of \$115,480 (\$200 per acre) a 579.4 acre portion of water rights of Bell Rapids Mutual Irrigation Company evidenced by the certificates hereinabove described, said water right to be removed from lands owned by the Sellers located in Twin Falls County, Idaho and more particularly described as:

Township 7 South, Range 13 E, Boise Meridian
Section 29; W 1/2 NE, NW 1/4,
N 1/2 SW Except South 1/2 South 1/2
Twin Falls County.

and

Township 7 South, Range 13 E, Boise Meridian
Section 20, SW 1/4, W 1/2 of SE 1/4
South 1/2 of NW 1/4
Twin Falls County

2. Sellers' Warranties.

(a) Sellers agree that the 579.4 acre portion of such water right evidenced by the above described certificates, if sold to the Buyer, shall include 9.80 c.f.s. and 2,317.6 acre feet of water per annum.

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - 1

02/07/00 1300

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APR 25 2001

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EXHIBIT B

(b) Sellers further warrant that said water right is a valid water right, free from all encumbrances, and that the Sellers will warrant and defend the same from all lawful claims whatsoever.

3. Transfer by Buyer. The Buyer, at his own expense, shall undertake to transfer or otherwise exchange the acquired water right so that it may be used as mitigation for Buyers' pending applications for Permit Nos. 63-12461 and 63-12470 for well permits located in Ada County, Idaho.

4. Sale Based on Right to Transfer. The Sellers recognize and agree that the Buyer has agreed to purchase the above describe water right only on the condition that the Buyer can successfully transfer or otherwise exchange such water right so that it may be used as mitigation for Buyer's successfully achieving his pending applications for Permit Nos. 63-12461 and 63-12470 in Ada County, Idaho. Sellers further acknowledge and agree that if Buyer is unsuccessful in gaining approval for the above referenced applications for permit within six months from the date of this Agreement, then this Agreement shall be null and void and no payment shall be due from Buyer to Sellers for the water rights described herein.

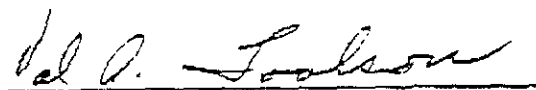
5. Payment of Purchase Price. In the event Buyer is successful in gaining approval as set forth in paragraph 4 above, payment of the purchase price shall be delivered by the Buyer to the Sellers within ten days of the approval of such applications (Nos. 63-12461 and 63-12470) in Ada County, Idaho.

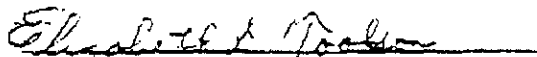
6. Entire Agreement. This Agreement contains the entire understanding of the parties. Any changes or modifications to this Agreement must be in writing and signed by all parties hereto.

7. Attorney Fees. If either party shall fail to comply with the terms of this Agreement, the nonbreaching party shall send written notice and provide a reasonable opportunity to cure, but not less than ten (10) days. If the breach is not cured within the time allowed, the breaching party agrees to pay all attorney's fees and costs incurred by the nonbreaching party. If suit is filed to interpret or enforce this Agreement, the unsuccessful party to such litigation agrees to pay the prevailing party all costs and expenses, including attorney's fees, incurred by the prevailing party whether incurred in district court, on appeal or in bankruptcy court.

8. Amendment or Modifications. Any Amendment hereto shall be in writing and signed by all parties to this agreement.

SELLERS:


Val A. Toolson


Elizabeth Toolson

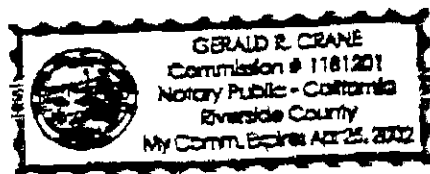
PURCHASER:

A. Donald Watkins

By Brian D. Watkins
Brian Watkins, Attorney in Fact for
A. Donald WatkinsSTATE OF California)
County of Riverside)

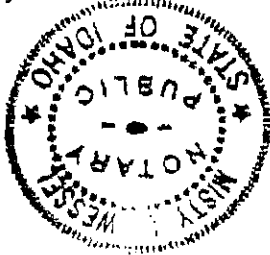
On this 24 day of February, 2000, before me, a Notary Public in and for said State, personally appeared Val A. Toolson and Elizabeth Toolson, known or identified to me to be the persons who executed the above instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Gerald R. Crane
NOTARY PUBLIC FOR California
My Commission Expires 4-25-02STATE OF IDAHO)
County of Ada)

On this 18th day of February, 2000, before me, a Notary Public in and for said State, personally appeared Brian Watkins, known or identified to me to be the person who executed the above instrument and acknowledged to me that he executed the same in his capacity as Attorney in Fact for A. Donald Watkins.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Misty L. Merrill
NOTARY PUBLIC FOR IDAHO
My Commission Expires 11-12-05

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

John C. Ward

208.385.5340 direct
jcw@moffatt.com

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

September 26, 2000

208.345.2000
208.385.5384 fax
www.moffatt.com

Patty Chupp
First American Title Company
211 West State Street
Boise, ID 83702

Re: Transfer and Retirement of Water Rights

Seller: Toolson

Purchaser: Watkins

MTBR&F File No. 18-239.0

Dear Ms. Chupp:

This firm represents Arthur Donald Watkins in the herein-described transaction. The following shall constitute your instructions for acting as the closing agent of the purchase, sale, and retirement transaction between and among Val A. and Elizabeth D. Toolson ("Toolson") as Sellers, Arthur Donald Watkins ("Watkins") as Purchaser, the Idaho Department of Water Resources ("Water Resources") and Bell Rapids Mutual Irrigation Company ("Bell Rapids") and the subsequent transfer of permits to appropriate water from Watkins to Boise City in conjunction with the sale by Watkins to Boise City of real property known as the Watkins Ranch, more particularly described in Exhibit A annexed to these instructions and by this reference incorporated herein.

DOCUMENTS

There has been or will be delivered to you the following documents:

1. Check from Watkins payable to First American Title Company Trust Account in the amount of \$116,673.00.
2. Water Resources Notice of Change of Water Right Ownership form transferring ownership of a 9.80 cfs portion of water right No. 02-02268 dated December 16, 1963, with a diversion volume of 2,317.6 acre feet per year and a consumptive use volume of 1,738.2 acre feet per year from Bell Rapids to Toolson, executed by Toolson.

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SEP 26 2000

Patty Chupp
September 26, 2000
Page 2

3. Water Resources Notice of Change of Water Right Ownership form transferring ownership of split water right no. 02-02268B consisting of a 9.80 cfs portion of water right 02-02268 with a diversion volume of 2,317.6 acre feet per year and a consumptive use volume of 1,738.2 acre feet per year from Toolson to Watkins, executed by Watkins.
4. Water Resources Notice of Change of Water Right Ownership form transferring ownership of split water right no. 02-02268B consisting of a 9.80 cfs portion of water right 02-02268 with a diversion volume of 2,317.6 acre feet per year and a consumptive use volume of 1,738.2 acre feet per year from Watkins to Boise City, executed by Boise City.
5. Water Resources Assignment of Permit form transferring ownership of IDWR Permit Nos. 63-12470 and 63-12461 from Brian Watkins and Watkins to Boise City, executed by Brian Watkins and Watkins.

At such time as I notify you that Watkins and Boise City have received a letter from Water Resources to the effect that Water Resources will consent to the transfer of IDWR Permit Nos. 63-12470 and 63-12461 to Boise City in connection with the sale of the Watkins Ranch by Watkins to Boise City, you shall be authorized to:

- a. Prepare a closing statement showing a proposed disbursement of the funds paid to your trust account by the above described check, and you may then effect the closing of the transaction and make the distribution of such funds as provided.
- b. Pay to Toolson at 74153 Mercury Circle West, Palm Desert, California 92260 the sum of \$115,480.
- c. Mail to Water Resources the three executed Notices of Change of Water Right Ownership forms with a check in the amount of \$150.00 payable to the Idaho Department of Water Resources to cover the filing fees for the three documents (\$100.00 for the Notice of Change of Water Right Ownership from Bell Rapids to Toolson and \$25.00 for the other two).

You may proceed to effect the closing of this transaction in accordance with these instructions at such time as you have in your possession all of the above described documents, properly and duly executed, and the Purchaser has approved these instructions. The Purchaser shall pay all charges, including but not limited to escrow fees and costs incurred by you, and no such charges shall be made to the Seller. Any surplus funds

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SEP 26 2000

Patty Chupp
September 26, 2000
Page 3

remaining after payment of the purchase price to Toolson and the costs of closing shall be returned to Watkins at 4794 West Cree Way, Boise, ID 83709.

Please notify me when you are ready to close the above transaction.

Very truly yours,

John C. Ward

JCW/jkr

APPROVED BY:

CITY OF BOISE CITY

By _____
Counsel for Boise City

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SEP 26 2000

EXHIBIT A
Property Description
The Watkins Ranch

TOWNSHIP 1 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY,
IDAHO

Section 27: West Half
Section 33: Northeast Quarter;
East Half of the Northwest Quarter;
Northwest Quarter of the Southeast Quarter;
Northeast Quarter of the Southwest Quarter;
Northeast Quarter of the Southeast Quarter
Section 34: ALL
Section 35: South Half

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APR 10 1980



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

September 26, 2000

Boise City
Attn: Matthew K. Wilde, Esq.
101 S. Capital Blvd, Ste 700
P.O. Box 500
Boise, Idaho 83701-0500

Re: Water Right Permit Nos. 63-12461 and 63-12470
in the name of Don Watkins and Brian Watkins

Dear Mr. Wilde:

The Idaho Department of Water Resources (IDWR) issued Water Right Permit Nos. 63-12461 and 63-12470 in the name of Don Watkins and Brian Watkins on June 30, 2000. The two ground water permits are for irrigation on lands located in Ada County now being purchased by Boise City. The two water rights when combined shall not exceed a total diversion rate of 9.80 cfs, and a total annual maximum diversion volume of 2317.6 acre feet. Condition of Approval No. 9 to each permit provides:

The permit holder is not authorized to assign ownership of this permit or the part of the Bell Rapids water right used for mitigation without prior written approval of the department. In its consideration of a request for assignment, the department will review the permit holder's diligence in the development of a water right and the extent of development performed under terms of the permit.

Permit holder, A. Donald Watkins, has requested IDWR's consent to assign Water Right Permit Nos. 63-12461 and 63-12470, and a 9.8 cfs part of Water Right 02-02268, acquired from Bell Rapids Mutual Irrigation Co. for mitigation, to Boise City. The request is supported by the Affidavit of A. Donald Watkins. I have reviewed the terms of the permits and the Affidavit of A. Donald Watkins. Based upon the information contained in the affidavit, the permit holder has exercised reasonable diligence in the development of the water right in accordance with the requirements of the permit. The approval of IDWR to the assignment of Water Right Permit Nos. 63-12461 and 63-12470 and the associated mitigation water right to Boise City is hereby provided.

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APR 26 2001

Matthew K. Wilde, Esq.
September 25, 2000
Page 2

The City's attention is drawn to the permit conditions of approval, including standard Condition of Approval No. 3 attached to each permit requiring project construction to commence within one year from the date of issuance of the permits on June 1, 2000, unless extended by IDWR. Attention also is drawn to the permit conditions requiring the permit holder to comply with the requirements of an approved mitigation plan in the use of these permits. Please give me a call at 327-7910 regarding any issues or concerns raised by this letter.

Sincerely,



NORMAN C. YOUNG
Administrator
Water Management Division

cc: John C. Ward, Esq.
Justin R. Seamons, Esq.

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APR 26 2001



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

September 12, 2000

John C. Ward
MOFFATT THOMAS
P.O. Box 829
Boise, Idaho 83701-0829

VIA FACSIMILE (208) 385-5384

Re: Water Right Permit Nos. 63-12461 and 63-12470
in the name of Don Watkins and Brian Watkins

Dear Mr. Ward:

At your request, I have reviewed the draft Agreement for Transfer of Water Permits faxed to me on September 6 and the revised letter of proposed closing instructions faxed to me on September 7.

I have reviewed the draft documents and have the following comments:

1. The Department of Water Resources issued water right permit nos. 63-12461 and 63-12470 upon the condition that a portion of water right no. 02-02268, in the name of Bell Rapids Mutual Irrigation Company, be acquired and held by the permit holder to provide "mitigation" for any depletion to the Snake River flows caused by the diversion of water under the two newly issued ground water permits. The term "mitigation" is viewed as a term of art by the Department. It is, therefore, suggested that the draft Agreement use the terms "mitigate" and "mitigation" as opposed to the terms "remediate" and "remediation."

2. Paragraph 2 on page 2 of the draft Agreement provides that the "Seller shall provide Purchaser with an absolute assignment of the Water Permits and the [Mitigation] Water Right, together with a letter issued by IDWR consenting to the transfer of the Water Permits and the [Mitigation] Water Right from the Seller to the Purchaser." This provision is consistent with IDWR's condition that the holder of the two newly issued ground water permits also be the holder the mitigation water right. The proposed closing instructions, however, are less clear on how the conveyance of the

mitigation water right will be conveyed from Bell Rapids to Toolson to Watkins to Boise City.

3. It is suggested that the following modifications to the closing instructions, under the heading "Documents," be considered:

1. Check from Watkins payable to First American Title Company Trust Account in the amount of \$116,373.00.
2. Copies of Bell Rapids stock certificate nos. 328 and 329 endorsed in blank by Toolson.
3. Water Resources Notice of Change of Water Right Ownership form transferring ownership of a 9.80 cfs portion of water right 02-02268 dated December 16, 1963, with a consumptive use volume of 1,738.2 acre feet per year to Toolson, executed by Bell Rapids.
Comment: 1) The 9.80 cfs portion of the water right transferred will be assigned water right no. 02-02268B by IDWR; 2) There may be a discrepancy between the "consumptive use volume of 1,738.2 acre feet per year" stated above, and the "total annual maximum diversion volume of 2317.6 af at the field headgate" authorized to be diverted under water right permits 63-12461 and 63-12470. This discrepancy should be resolved to ensure that the mitigation requirements under permits 63-12461 and 63-12470 can be satisfied by water right 02-02268B.
4. Water Resources Notice of Change of Water Right Ownership form transferring ownership of split water right no. 02-02268B consisting of a 9.80 cfs portion of water right 02-02268 to Watkins, executed by Toolson.
35. Water Resources Notice of Change of Water Right Ownership form transferring ownership of split water right no. 02-02268B consisting of a 9.80 cfs portion of water right 02-02268 to Boise City, executed by Watkins.
4. ~~A letter from Justin R. Seamons, Esq., counsel for Bell Rapids, certifying that upon receipt by him of Bell Rapids stock certificate nos. 328 and 329 endorsed by Toolson that Bell Rapids request that IDWR transfer from Bell Rapids to Toolson 9.80 cfs of Bell Rapids' water right license no. 02-2268 dated December 16, 1963, with a consumptive use volume of 1,738.2 acre feet per year (the "Residual Water Right").~~
Comment: The reason for suggesting the deletion of this paragraph is because IDWR does not transfer ownership of water rights. IDWR will

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APR 26 2001

modify its records to reflect a change in ownership evidenced by a properly executed and filed Notice of Change of Water Right Ownership form. Section 42-248(5), Idaho Code, requires that a Notice of Change of Water Right Ownership form be accompanied by a \$25.00 filing fee.

56. A letter from Water Resources to the effect that Water Resources will consent to the transfer of IDWR permit nos. 63-12470 and 63-12461 to Boise City in conjunction with the sale of the Watkins Ranch by Watkins to Boise City.
4. It is suggested that the following changes be made to items "d," "e" and "f" on page 2 of the proposed closing instructions:
- d. Mail to Water Resources the three executed Notice of Change of Water Right Ownership forms with a check in the amount of \$75.00 payable to the Idaho Department of Water Resources to cover the three filing fees for the three documents.
- e. Change the reference to "paragraph no. 5" to "paragraph no. 6" or other number as appropriate.
- f. ~~Receive from IDWR and deliver to Watkins the Residual Water Right:~~
Comment: After the three executed Change of Water Right Ownership forms are filed, IDWR will modify its water right records to reflect Boise City's ownership of water right no. 02-2268B. IDWR can provide a print out from its water rights database showing a description of water right no. 02-2268B.

Please give me a call at 327-7905 if you would like to further discuss these suggested changes.

Sincerely,



PHILLIP J. RASSIER
Deputy Attorney General

cc: Justin R. Seamons, Esq.
Facsimile: (208) 734-0858

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APR 26 2001



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

June 29, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Terry M. Scanlan
600 East River Park Lane
Suite 105
Boise, ID 83706

RE: PERMIT NOS. 63-12461 AND 63-12470 - DON WATKINS AND BRIAN WATKINS

Dear Mr. Scanlan:

I have reviewed your letter dated June 27, 2000, in which you request written approval from the Department authorizing the permit holder to assign ownership of the permits which were issued by the Department on June 1, 2000.

The purpose of Condition of Approval No. 9 is to prevent speculation in connection with issuance of the permits. The condition reads as follows:

The permit holder is not authorized to assign ownership of this permit or the part of the Bell Rapids water right used for mitigation without prior written approval of the department. In consideration of a request for assignment, the department will review the permit holder's diligence in the development of a water right and the extent of development performed under terms of the permit.

Section 42-203A, Idaho Code, provides that whether an application is protested or not, the director of the Department of Water Resources is required to evaluate certain criteria when considering approval of an application for permit including whether an application is made in good faith and not for delay or speculative purposes. In order to assure that the above referenced permits have not been filed for speculative purposes, the approval was conditioned as described above.

The purpose for the applications as described by Mr. Watkins to Norman C. Young and to me in May 1999 was to provide a source of replacement feed for his livestock, since his ability to utilize grazing leases on federal property in the Bear Valley area will be either reduced, eliminated or severely conditioned due to Bull Trout considerations.

MICHOPIEN

JUN 29 2000

In order for the department to further consider your request for assignment of the permits, the permit holder (Watkins) needs to make a sufficient showing that he is proceeding with the development of a water right as authorized by the permits and has conducted a reasonable amount of development. A typical showing of actual permit development could include construction of the wells and application of the water to the authorized beneficial use for irrigation purposes. Failure of Watkins to be able to make such a showing suggests that Watkins does not intend to develop a water right and that the applications may have been submitted for speculative purposes.

If you have questions, please feel free to contact the department.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." being small and the last name "Saxton" being larger and more prominent.

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - Region
Gary Spackman
Norman C. Young

MICROFILMED

APR 24 2000

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

JUN 28 2000

Department of Water Resources

June 27, 2000

Mr. Shelley Walter Keen
Water Rights Supervisor
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Subject: Condition No. 9 – Permit Nos. 63-12461 and 63-12470

Dear Mr. Keen:

Condition No. 9 in each of the above referenced permits states:

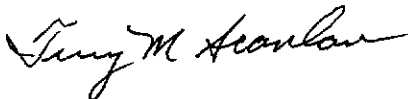
The permit holder is not authorized to assign ownership of this permit or the part of the Bell Rapids water right used for mitigation without prior written approval of the department. In consideration of a request for assignment, the department will review the permit holder's diligence in the development of a water right and the extent of development performed under terms of the permit.

Mr. Watkins is currently negotiating the sale of his ranch. The sale would include the above referenced water right permits, the place of use for these permits, and the Snake River water right (02-02268) used for mitigation of the permits. To complete the sale, Department approval is needed to meet the requirement of Condition No. 9. Therefore, this letter requests written approval from the Department for the assignment of the permits and Snake River water right as part of the sale of the ranch.

With or without the sale, we expect that the permits will be developed in a diligent manner, and that construction will be initiated within one year of the permit approval date as required by Condition No. 3.

Please contact me with any questions related to this request.

Sincerely,



Terry M. Scanlan, P.E.

Cc: Don Watkins
John Ward

MICROFILMED

APR 23 2001

FAX**Scanlan Engineering**600 East River Park Lane, #105
Boise, Idaho 83706**Date:** June 27, 2000**Tel:** 208 383-4140**Fax:** 208 383-4156**To:** Shelley Keen**Fax No:** 327-7866**From:** Terry Scanlan**Reference:****Subject:** Watkins 63-12470, 63-12461**No. of Pages:** 2
(including cover)

Original will follow by mail.

If you do not receive all pages, or if there are any problems with this
transmission, please call at 208 383-4140

MICROFILM

APR 25 2001

SCANLAN ENGINEERING*Groundwater and Environmental Engineering*

June 27, 2000

Mr. Shelley Walter Keen
Water Rights Supervisor
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706-2237

Subject: Condition No. 9 – Permit Nos. 63-12461 and 63-12470

Dear Mr. Keen:

Condition No. 9 in each of the above referenced permits states:

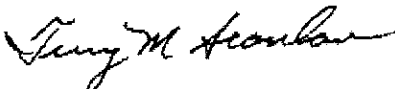
The permit holder is not authorized to assign ownership of this permit or the part of the Bell Rapids water right used for mitigation without prior written approval of the department. In consideration of a request for assignment, the department will review the permit holder's diligence in the development of a water right and the extent of development performed under terms of the permit.

Mr. Watkins is currently negotiating the sale of his ranch. The sale would include the above referenced water right permits, the place of use for these permits, and the Snake River water right (02-02268) used for mitigation of the permits. To complete the sale, Department approval is needed to meet the requirement of Condition No. 9. Therefore, this letter requests written approval from the Department for the assignment of the permits and Snake River water right as part of the sale of the ranch.

With or without the sale, we expect that the permits will be developed in a diligent manner, and that construction will be initiated within one year of the permit approval date as required by Condition No. 3.

Please contact me with any questions related to this request.

Sincerely,



Terry M. Scanlan, P.E.

Cc: Don Watkins
John Ward



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

June 2, 2000

DON WATKINS
BRIAN WATKINS
PO BOX 32
KUNA ID 83634-0032

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12470

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.

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

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

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this 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.

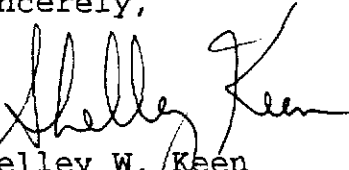
MICROFILMED

JUN 23 2001

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.

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

APR 21 2005

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of June, 2000, 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. 63-12470

DON WATKINS
BRIAN WATKINS
PO BOX 32
KUNA ID 83634-0032


Kari Lynn Townsend
Secretary

MICROFILMED

APR 18 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

APR 2 5 1981

FROM : JT

PHONE NO. : 208 734 0856

May. 24 2000 01:54PM P1

JUSTIN R. SEAMONS**ATTORNEY AT LAW****Falls Professional Center****1201 Falls Avenue East, Suite 30
Twin Falls, Idaho 83301****Office: (208) 734-0075
Facsimile: (208) 734-0858
Residence: (208) 733-3892**

May 24, 2000

SENT VIA FACSIMILE**Scanlan Engineering
Attn: Terry Scanlan
(208) 383-4156**Re. Bell Rapids Mutual Irrigation Co. / Val A. and Elizabeth D. Toolson.

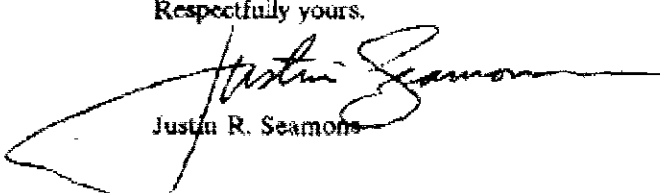
Dear Terry:

I have prepared this letter to confirm our telephone conversations on May 23, 2000. I met with the Department of Water Resources this morning. Upon endorsement and surrender of Certificate Nos. 328 and 329, Bell Rapids Mutual Irrigation Company will notify the Department of Water Resources to transfer the following to Mr. and Mrs. Toolson:

9.8 cfs of Water Right License No. 02-2268, dated December 16,
1963, with a consumptive use volume of 1,738.2 acre feet per year

Please let me know if you have any questions or comments. Thank you for your cooperation.

Respectfully yours,


Justin R. Seamons

cc: Bell Rapids Mutual Irrigation Company

MICROFILMED

APR 25 2001

MEMORANDUM

TO: Files 63-12461 and 63-12470

FROM: Sharla

DATE: April 25, 2000

RE: Telecon

On this date, I faxed draft copies of the permit approval documents to Terry Scanlan for his review. He called me after he had a chance to look them over and stated that he thought the permits as drafted were fine. He will contact Bell Rapids Irr. Co. again to get some time of written consent that he can then send to us for the files. The files will be placed on call-up for next week; if we receive Bell Rapids consent by then, the permits will be printed for signature.

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APR 26 2001

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 4/19/00

No. 63-12470 Name: Walkins Corp. Officers N/A Ad ok ✓ Govt Lots

AREA OF CONCERN: No/Yes TV GW Moratorium Study area GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells, - 046(P23)
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

WMD

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

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84(20s-70s, 81-86)
Swan Falls Flag
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 5/01/2005

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response

In/Above MSF - WB9

PLANNING SECTION REVIEW/RESPONSE

In-stream development - P52

WD - R04 (WD#)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

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

RIVER BASINS: (SW special considerations)

SNAKE R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

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

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

OTHER CONDITIONS/REMARKS Brian Walkins has dip adds (see 63 12461)

COMMENTS

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

MAR 10 2000

Department of Water Resources

March 8, 2000

Mr. Norm Young
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Subject: Mitigation Plan for Application for Permit Nos. 63-12461 and 63-12470 – Don Watkins

Dear Mr. Young:

Enclosed please find an agreement made by my client, Don Watkins, for purchase of 579.4 shares in Bell Rapids Mutual Irrigation Company. Retirement of these water shares is proposed as partial mitigation for pending water right applications 63-12461 and 63-12470.

The water shares are associated with 595 licensed irrigated acres under license 02-02268 (Bell Rapids Mutual Irrigation Company) and 610 claimed irrigated acres under SRBA claim A02-02268 (Bell Rapids Mutual Irrigation Company). Assuming that one share of Bell Rapids stock is equivalent to one acre of irrigation under 02-02268, the 579.4 shares represent approximately 9.80 cfs and 2,317.6 acre feet per annum.

In combination, applications 63-12461 and 63-12470 propose a maximum diversion rate of 15.39 cfs and irrigation of 760 acres. The 2,317.6 acre feet per annum is not adequate to fully satisfy the irrigation requirements of both applications. However, we request approval of both applications with a condition that limits the annual diversion volume to 2,317.6 acre feet. We further request the ability to increase the annual diversion volume in the event that additional water rights are retired for mitigation purposes. Mr. Watkins is currently pursuing such additional water rights.

As mentioned in your letter of November 23, 1999, procedures to assure that the water right is not abandoned or forfeited while it is retained for mitigation need to be discussed. We are open to any suggests that the Department may have regarding this issue.

Please call me with questions or comments concerning this mitigation proposal. We look forward to your response.

Sincerely,



Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

Cc: Don Watkins

MICROFILMED

APR 25 2001

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT

This Water Right Sale and Purchase Agreement (the "Agreement") is made this 18th day of February, 2000, between and among VAL A. TOOLSON and ELIZABETH TOOLSON, whose address is 74153 Mercury Circle West, Palm Desert, California 92260 (the "Sellers") and A. DONALD WATKINS, whose address is P.O. Box 32, Kuna, Idaho 83634 (the "Buyer").

WITNESSETH:

WHEREAS, the Sellers own approximately 620 acres of land together with a Snake River Water Right evidenced by Bell Rapids Mutual Irrigation Company Certificates No. 328 for 267.1 share and No. 329 for 312.3 shares in Unit No. 16 of the Bell Rapids Project; and

WHEREAS, the Buyer wishes to purchase the above described water right, but not the associated lands or appurtenances thereto; and

WHEREAS, the parties have reached an agreement on the terms and conditions of such sale and purchase;

NOW, THEREFORE, the Sellers and the Buyer agree as follows:

1. Purchase Price. The Sellers agree to sell and the Buyer agrees to purchase for the price of \$115,480 (\$200 per acre) a 579.4 acre portion of water rights of Bell Rapids Mutual Irrigation Company evidenced by the certificates hereinabove described, said water right to be removed from lands owned by the Sellers located in Twin Falls County, Idaho and more particularly described as:

Township 7 South, Range 13 E, Boise Meridian
Section 29; W 1/2 NE, NW 1/4,
N 1/2 SW Except South 1/2 South 1/2
Twin Falls County.

and

Township 7 South, Range 13 E, Boise Meridian
Section 20, SW 1/4, W 1/2 of SE 1/4
South 1/2 of NW 1/4
Twin Falls County

2. Sellers' Warranties.

(a) Sellers agree that the 579.4 acre portion of such water right evidenced by the above described certificates, if sold to the Buyer, shall include 9.80 c.f.s. and 2,317.6 acre feet of water per annum.

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - 1

02/07/00 1300

MICROFILMED

BOI_MTI 283088.1

APR 26 2001

(b) Sellers further warrant that said water right is a valid water right, free from all encumbrances, and that the Sellers will warrant and defend the same from all lawful claims whatsoever.

3. Transfer by Buyer. The Buyer, at his own expense, shall undertake to transfer or otherwise exchange the acquired water right so that it may be used as mitigation for Buyers' pending applications for Permit Nos. 63-12461 and 63-12470 for well permits located in Ada County, Idaho.

4. Sale Based on Right to Transfer. The Sellers recognize and agree that the Buyer has agreed to purchase the above describe water right only on the condition that the Buyer can successfully transfer or otherwise exchange such water right so that it may be used as mitigation for Buyer's successfully achieving his pending applications for Permit Nos. 63-12461 and 63-12470 in Ada County, Idaho. Sellers further acknowledge and agree that if Buyer is unsuccessful in gaining approval for the above referenced applications for permit within six months from the date of this Agreement, then this Agreement shall be null and void and no payment shall be due from Buyer to Sellers for the water rights described herein.

5. Payment of Purchase Price. In the event Buyer is successful in gaining approval as set forth in paragraph 4 above, payment of the purchase price shall be delivered by the Buyer to the Sellers within ten days of the approval of such applications (Nos. 63-12461 and 63-12470) in Ada County, Idaho.

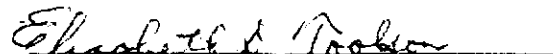
6. Entire Agreement. This Agreement contains the entire understanding of the parties. Any changes or modifications to this Agreement must be in writing and signed by all parties hereto.

7. Attorney Fees. If either party shall fail to comply with the terms of this Agreement, the nonbreaching party shall send written notice and provide a reasonable opportunity to cure, but not less than ten (10) days. If the breach is not cured within the time allowed, the breaching party agrees to pay all attorney's fees and costs incurred by the nonbreaching party. If suit is filed to interpret or enforce this Agreement, the unsuccessful party to such litigation agrees to pay the prevailing party all costs and expenses, including attorney's fees, incurred by the prevailing party whether incurred in district court, on appeal or in bankruptcy court.

8. Amendment or Modifications. Any Amendment hereto shall be in writing and signed by all parties to this agreement.

SELLERS:


Val A. Toolson


Elizabeth Toolson

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - 2

02/07/00 1300

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901_MT1:283088 1

SEP 26 2001

PURCHASER:

A. Donald Watkins

By Brian D. WatkinsBrian Watkins, Attorney in Fact for
A. Donald WatkinsSTATE OF California)

:SS

County of Riverside)

On this 24 day of February, 2000, before me, a Notary Public in and for said State, personally appeared **Val A. Toolson** and **Elizabeth Toolson**, known or identified to me to be the persons who executed the above instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Gerald R. Crane
NOTARY PUBLIC FOR California
My Commission Expires 4-25-02

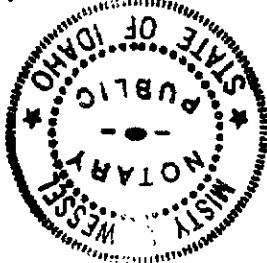
STATE OF IDAHO)

:SS

County of Ada)

On this 18th day of February, 2000, before me, a Notary Public in and for said State, personally appeared **Brian Watkins**, known or identified to me to be the person who executed the above instrument and acknowledged to me that he executed the same in his capacity as Attorney in Fact for A. Donald Watkins.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Misty L. Messel
NOTARY PUBLIC FOR IDAHO
My Commission Expires 11-12-05

AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT - 3
02/07/00 1300 MICROFILMED

801_MT1-283088.1

APR 25 2002



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

November 23, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Terry M. Scanlan, P.E., P.G.
Scanlan Engineering
600 East River Park Lane, Suite 105
Boise, Idaho 83706

Re: Application for Permit Nos. 63-12461 and 63-12470 (Don Watkins)

Dear Mr. Scanlan:

Your letter of October 18, 1999, offers to provide mitigation to offset depletions in flow in Snake River projected to occur because of development and use of water by the project proposed by the above referenced applications. The information that you have previously submitted indicates that the appropriation will be from aquifers tributary to the Snake River rather than the Boise River. The information also shows that the impact of pumping will ultimately affect Snake River flows rather than Boise River flows. Based upon this information, the proposal to obtain and retire a valid Snake River water right or rights to mitigate on an acre-for-acre basis will assure that water is available and that all impacts will be addressed. The proposal to obtain stored water through the Water Bank may also be workable, but it does not provide the certainty that water will be available for mitigation.

Please provide a brief written description of the mitigation plan including a description of the right(s) that Mr. Watkins proposes to obtain. It is usually best to review the details of the mitigation plan and the right(s) involved with the Department before completing the purchase of the rights. Appropriate change of ownership documents to satisfy Section 42-248, Idaho Code, will then need to be filed. Procedures to assure that the right(s) is not abandoned or forfeited while it is retained for mitigation need to be discussed. Upon receipt of the information on the water right(s), final action will be taken to approve or disapprove the applications.

If you have questions on this matter, please give me a call.

Sincerely,

Norman C. Young, Administrator
Water Management Division

✓ e. files

Gary Spackman

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APR 24 2000

Tuesday, November 23, 1999

Mailing List Updates:

Remove from mailing list the following:

John Jeffredo
NRCS USDA
2208 E. Chicago Ste. #B
Caldwell, Idaho
No longer employed with NRCS

Change of Address Notice:

New address effective January 1, 2000

J-U-B Engineers, Inc.
217 W. Georgia Ave. Ste 120
Nampa, Idaho 83686

•

Patrick D. Brown, P.C.
Law Offices
109 South Adams
Jerome, ID 83338
(208)644-1967

•

Alter Hobie, Sr.
305 E. Park
McCall, Id 83638

•

Poverty Flats Ranch
c/o Bob Knudsen Jr.
2700 W. 2100S
Aberdeen, Id. 83210

•

University of Idaho
Cooperative Extension System
Bear River Basin Cluster
New Location for Caribou County Extension Office

Caribou County Extension System
53 East 1st South
Soda Springs, ID 83276

- Attn: Department Secretaries: These changes were received in the mail the past few days. It was impossible to determine which department to send the information to. If you have any questions or suggestions please let me know. Thank you Jean Masi

MICROFILMED

cc: file

APR 25 2001

MEMORANDUM

TO: FILES 63-12461 AND 63-12470

FROM: NORM YOUNG

RE: DISCUSSIONS WITH DON WATKINS AND TERRY SCANLAN

DATE: May 19, 1999

Glen Saxton and I met with Mr. Watkins and Mr. Scanlan at their request to discuss whether these applications could be processed at this time. Mr. Watkins emphasized his need to move forward on this project to provide a source of feed for his livestock that are being forced off of a Forest Service allotment because of the Bull Trout plan. This is the last year that he will be able to use grazing in the Bear Valley area. He has been looking throughout southwestern Idaho and Eastern Oregon for replacement pasture but has not found any.

Glen and I explained the history of the moratorium/administrative hold in Basin 63 and indicated that we were reluctant to process applications that were not clearly unique from the backlog that is pending. If Mr. Watkins could show that his project was essentially entirely from Snake River (90% or more), we would try to move forward on it. If not, Mr. Watkins applications would be processed in accordance with the management plan that we expect to adopt this summer.

MEMORANDUM

100-1-1-100

MEMORANDUM

TO: Hal Anderson *WJA*
FROM: Scott Urban *SM*
DATE: June 10, 1999
SUBJECT: Don Watkins Application for Permit Nos. 63-12461 and 63-12470

I reviewed the letter from Scanlan Engineering regarding the above referenced water right application and would like to offer the following comments:

1. According to the 1988 ground water map provided by Mr. Scanlan, the site is located south of the regional ground water divide. This suggests that ground water within the site area is tributary to the Snake River, not the Boise River. Based upon published and unpublished work within the valley, the location of the divide seems to be somewhat constant over time. However, the 1988 map may have been constructed using a mix of shallow, intermediate and deep wells, and would therefore reflect a composite water level condition: the divide location could be different for different aquifer depths. To verify this, I reviewed ground water contour maps recently constructed as a part of the Treasure Valley Hydrologic Project. These maps provide contours for the shallow, intermediate and deep aquifer zones for the spring, 1998 mass measurement (see attached figures). According to these interpretations, the current position of the ground water divide is similar to the 1988 map. Furthermore, it appears that the general location of the divide is similar for the shallow, intermediate and deep aquifer zones. In general, it appears that ground water from aquifers located south of the New York Canal and the Mora Canal is tributary the Snake River, whereas ground water withdrawn from aquifers north of these canals may be tributary the Boise River.
2. The letter provides estimates of the hydraulic impact of pumping to irrigate 760 acres of land with about 2,660 acre-feet of ground water. Lacking a calibrated ground water model, the Theis equation was used to predict drawdown for selected distances from the well at various time periods. This method requires an estimate of transmissivity (T) and storativity (S). For this analysis, Mr. Scanlan used published values from the USGS western Snake River Plain model, where $T = 150,000 \text{ gpd/ft}$ and $S = 0.10$.

For comparison, I reviewed well logs for wells within the site vicinity, and found two wells within about one mile of the proposed site (see attached logs). One well was completed in basalt at a depth of about 400 feet, while the second well was about 620 feet deep, with an upper basalt zone and a deep gravel zone. These well logs provided pumping test information as reported by the driller. From these tests the specific capacity of the well could be estimated, which in turn can be used to estimate the aquifer transmissivity. Using this information, the transmissivity for the

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APR 26 2001

shallower (basalt) was estimated to be about 20,000 gpd/ft with the deeper well (basalt and gravel) having a value of about 200,000 gpd/ft. These values suggest the published value of 150,000 gpd/ft used by Mr. Scanlan is an appropriate estimate for the site area. A storativity of 0.10 may be considered high for a confined aquifer (usually less than about 0.005; Fetter, 1988). Using a lower storativity would effectively *increase* the predicted drawdown. However, the reported value could be acceptable for the purpose of this estimate if the aquifer is shown to be unconfined or "semi-confined." Reported water levels from the attached well logs, while not conclusive, do not indicate a confined, artesian condition. In addition, according to one IDWR publication (Baker, 1993), the area northeast of Kuna may be somewhat unconfined. Indeed, Baker (1993) used a storativity of 0.10 in his analysis of the northeast Kuna area.

3. Using the above values, and an average pumping rate of 1,650 gpm (2,669 af/yr), I calculated drawdown to be about 2.3 feet at a distance of one mile after one year, which is the same value presented by Mr. Scanlan. This would represent the drawdown assuming continuous year-round pumping. However, if the pumping rate is doubled, and the time period halved (i.e., pump only during a six-month irrigation season), then the estimated drawdown is about 2.9 feet, an increase of about 26 percent. The maximum drawdown presented in the report is 8.0 feet at a distance of one mile, after a period of 100 years. At a distance of 7 miles (approximate distance to the divide) the maximum drawdown is estimated to be about 3.2 feet after 100 years.
4. A review of the attached ground water contour maps suggests the hydraulic gradient near the subject area ranges from about 15 feet/mile for the shallow aquifer, to about 13 feet/mile for the deeper zone. The intermediate zone has a gradient of about 7 feet/mile. Based upon these gradients, the location of the ground water divide, and the estimated drawdowns presented by Mr. Scanlan, it is reasonable to conclude that the proposed diversion may have little or no effect on ground water tributary to the Boise. As pointed out in the report, the proposed diversion may cause a minor shift in the position of the divide, or reduce gains to the Snake (Note: a calibrated flow model would allow a better analysis of these issues). Preliminary results from the Treasure Valley Hydrologic Project suggest the New York Canal is generally perched above the regional aquifer. As a result, the proposed diversion should not induce additional canal seepage from this canal or other perched canals in the area. Lastly, the potential impact of pumping on nearby wells was not addressed in Mr. Scanlan's report. A brief review of well logs for the site area suggests the area is not highly populated, thus well interference may not be an issue at this time.

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APR 26 2001

Note: the following pages are excerpts from the draft report "Treasure Valley Ground Water Levels, 1970-1999" (Carlson and Petrich, 1999, *in preparation*)

1.1.1 Spring 1998

Potentiometric surface contour maps for the spring 1998 mass measurement are shown in Figures 2-9 through 2-11. Solid contour lines represent interpolated contours; dashed lines represent assumed contours in areas with insufficient data for interpolation. Monitoring points (wells) with open intervals in the layer of interest are shown with gray dots. Associated postplots, summary statistics, and variograms will be provided in Appendix C.

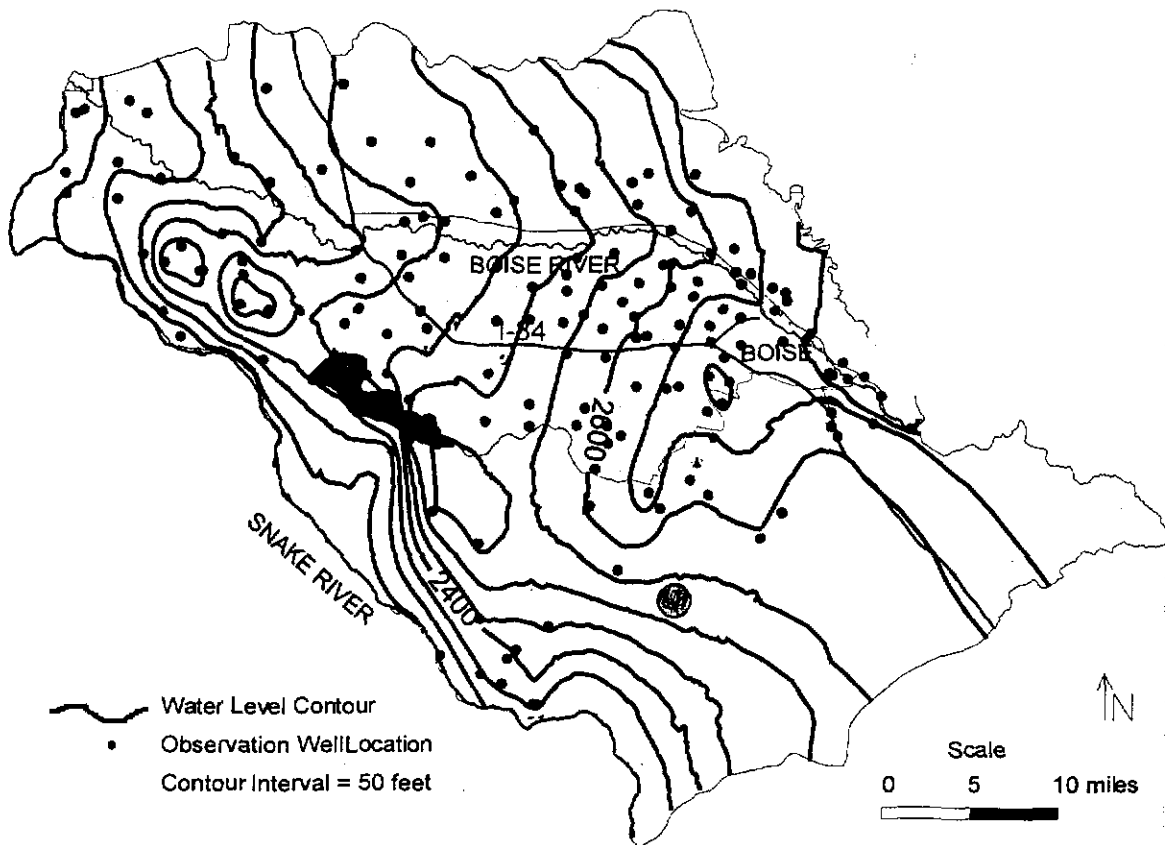


Figure 2-9. Kriged contour map of Treasure Valley shallow aquifer zone for spring 1998.

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APR 26 2001

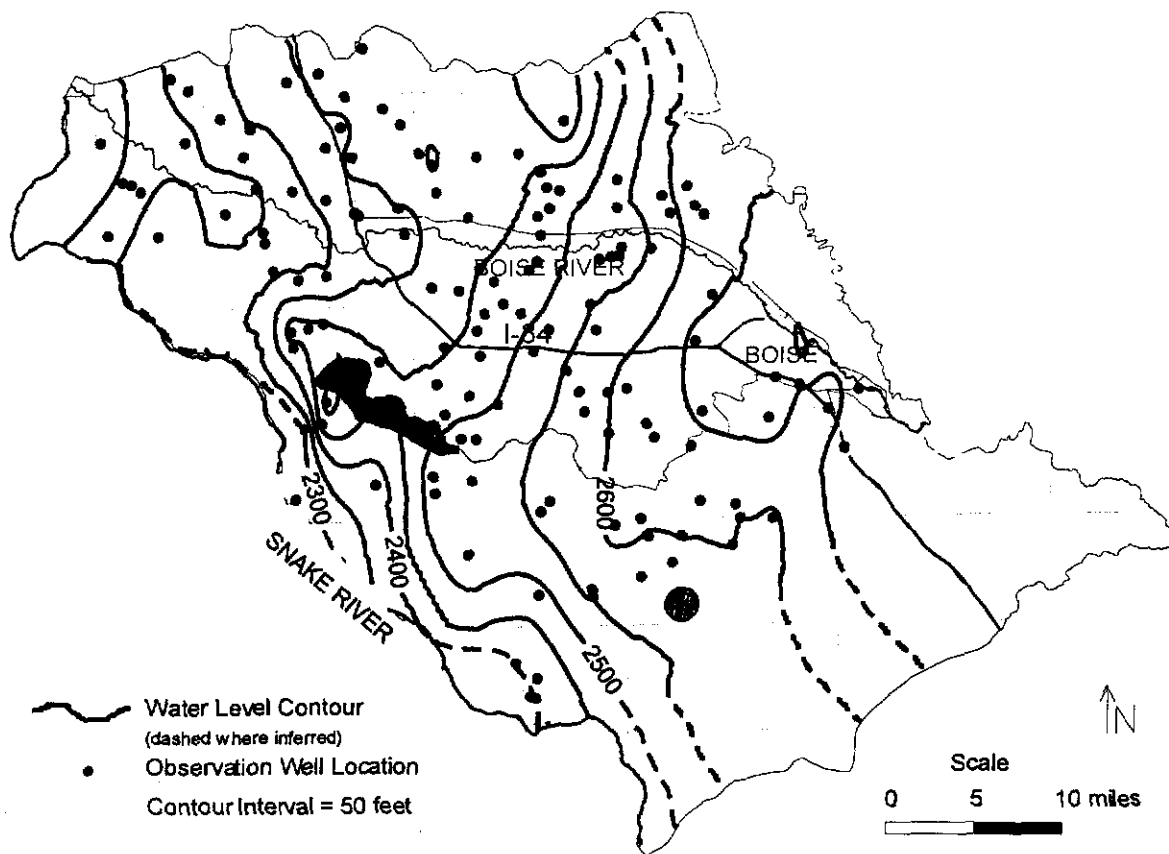


Figure 2-10: Kriged contour map of Treasure Valley intermediate aquifer zone for spring 1998.

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1998 2 8 1000

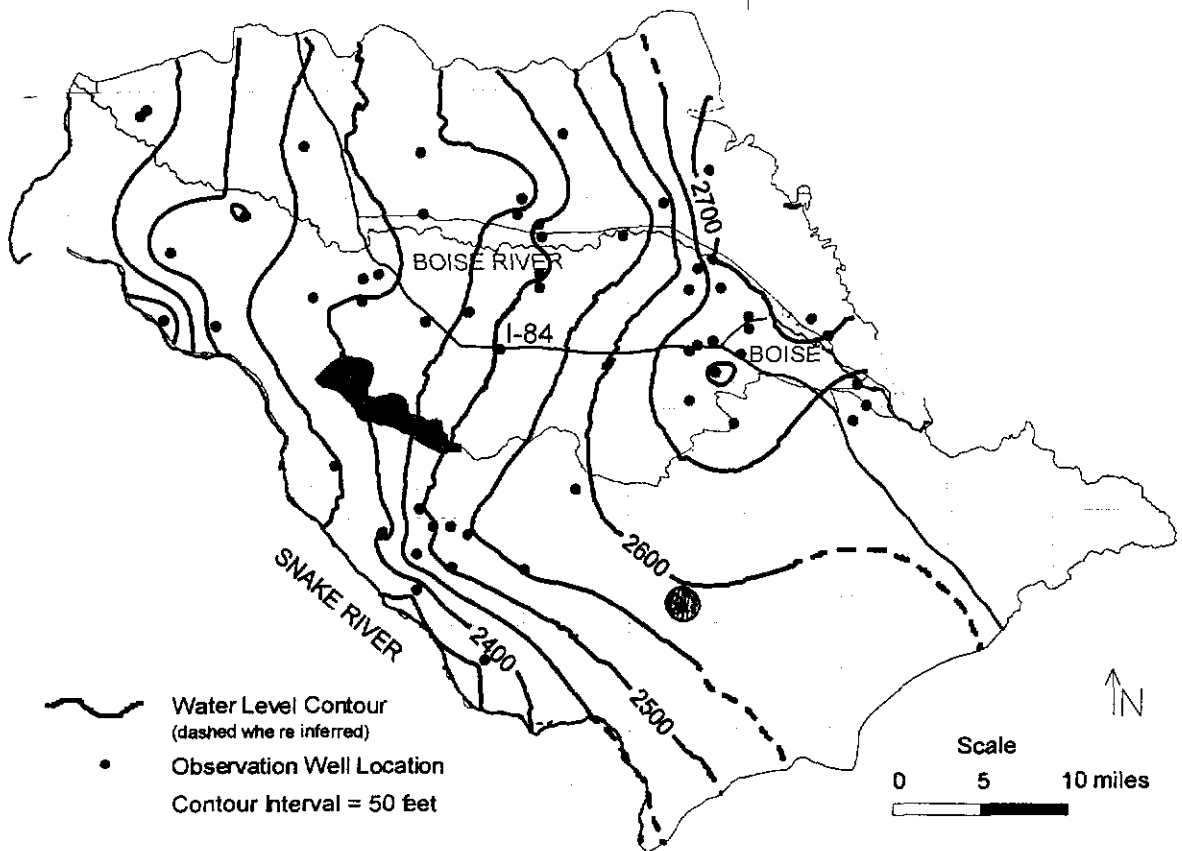


Figure 2-11: Kriged contour map of Treasure Valley deep aquifer zone for spring 1998.

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APR 25 1999

REPORT OF WELL DRILLER
State of Idaho

APR 9 1969

Department of Reclamation

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:

Name

Address

Owner's Permit No.

NATURE OF WORK (check): Replacement well ☐

New well ☐ Deepened ☐ Abandoned ☐

Water is to be used for:

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☐

Dug ☐ Other ☐

(explain)

CASING SCHEDULE: Threaded ☐ Welded ☐

"Diam. from ft. to ft.

"Diam. from ft. to ft.

"Diam. from ft. to ft.

"Diam. from ft. to ft.

Thickness of casing: Material:

Steel ☐ concrete ☐ wood ☐ other ☐

(explain)

PERFORATED? Yes ☐ No ☐ Type of

perforator used:

Size of perforations: " by "

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

WAS SCREEN INSTALLED? Yes ☐ No ☐

Manufacturer's name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

CONSTRUCTION: Well gravel packed? Yes ☐

No. ☐ size of gravel Gravel

placed from ft. to ft. Surface seal

provided? Yes ☐ No ☐ To what depth?

10 ft. Material used in seal: cement

Did any strata contain unusable water? Yes ☐

No. ☐ Type of water:

Depth of strata ft. Method of sealing

strata off:

Surface casing used? Yes ☐ No ☐

Cemented in place? Yes ☐ No ☐

Locate well in section

LOCATION OF WELL: County

ME. X NW. Sec. 35 T. N/S. R. E/W.

Size of drilled hole: 20" Total depth of well: 307' Standing water

level below ground: 207' Temp.

Fahr. Test delivery: 3000 gpm

or cfs Pump? ☐ Bail ☐

Size of pump and motor used to make test:

Length of time of test: 0 Hrs. Min.

Drawdown: 308 ft. Artesian pressure: ft.

above land surface Give flow cfs

or gpm. Shutoff pressure:

Controlled by: Valve ☐ Cap ☐ Plug ☐

No control ☐ Does well leak around casing?

Yes ☐ No ☐

DEPTH MATERIAL WATER

FROM TO YES OR NO

FEET FEET

0 34 341.

34 72 106

72 73 145

73 145 153

153 154 155

155 156 157

157 158 159

159 160 161

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241 242 243

243 244 245

245 246 247

247 248 249

249 250 251

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253 254 255

255 256 257

257 258 259

Work started: 1/20/69

Work finished: 3/27/69

Well Driller's Statement: This well was drilled under my supervision and this report is true to the best of my knowledge.

Name: [Signature]

Address: [Address]

Signed by: [Signature]

License No. [Number] Date: 7/7/69

Use other side for additional remarks

MICROFILMED

APR 10 1969

USGS

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer
within 30 days after completion or abandonment of the well.

1. WELL OWNER Name <u>Betty Deshazo</u> Address <u>1000 N. 1st St.</u> Owner's Permit No. _____		7. WATER LEVEL Static water level <u>27</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow _____ Temperature _____ ° F. Quality _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
2. NATURE OF WORK ☐ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		8. WELL TEST DATA ☒ Pump ☐ Bailer ☐ Other Discharge G.P.M. <u>1000</u> Draw Down <u>30</u> Hours Pumped <u>0</u>																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
3. PROPOSED USE ☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock		9. LITHOLOGIC LOG <table border="1"><thead><tr><th rowspan="2">Hole Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>10</td><td>0</td><td>12</td><td>Gravel</td><td></td><td></td></tr><tr><td>12</td><td>12</td><td>24</td><td>Gravel</td><td></td><td></td></tr><tr><td>14</td><td>24</td><td>36</td><td>Gravel</td><td></td><td></td></tr><tr><td>16</td><td>36</td><td>48</td><td>Gravel</td><td></td><td></td></tr><tr><td>18</td><td>48</td><td>60</td><td>Gravel</td><td></td><td></td></tr><tr><td>20</td><td>60</td><td>72</td><td>Gravel</td><td></td><td></td></tr><tr><td>22</td><td>72</td><td>84</td><td>Gravel</td><td></td><td></td></tr><tr><td>24</td><td>84</td><td>96</td><td>Gravel</td><td></td><td></td></tr><tr><td>26</td><td>96</td><td>108</td><td>Gravel</td><td></td><td></td></tr><tr><td>28</td><td>108</td><td>120</td><td>Gravel</td><td></td><td></td></tr><tr><td>30</td><td>120</td><td>132</td><td>Gravel</td><td></td><td></td></tr><tr><td>32</td><td>132</td><td>144</td><td>Gravel</td><td></td><td></td></tr><tr><td>34</td><td>144</td><td>156</td><td>Gravel</td><td></td><td></td></tr><tr><td>36</td><td>156</td><td>168</td><td>Gravel</td><td></td><td></td></tr><tr><td>38</td><td>168</td><td>180</td><td>Gravel</td><td></td><td></td></tr><tr><td>40</td><td>180</td><td>192</td><td>Gravel</td><td></td><td></td></tr><tr><td>42</td><td>192</td><td>204</td><td>Gravel</td><td></td><td></td></tr><tr><td>44</td><td>204</td><td>216</td><td>Gravel</td><td></td><td></td></tr><tr><td>46</td><td>216</td><td>228</td><td>Gravel</td><td></td><td></td></tr><tr><td>48</td><td>228</td><td>240</td><td>Gravel</td><td></td><td></td></tr><tr><td>50</td><td>240</td><td>252</td><td>Gravel</td><td></td><td></td></tr><tr><td>52</td><td>252</td><td>264</td><td>Gravel</td><td></td><td></td></tr><tr><td>54</td><td>264</td><td>276</td><td>Gravel</td><td></td><td></td></tr><tr><td>56</td><td>276</td><td>288</td><td>Gravel</td><td></td><td></td></tr><tr><td>58</td><td>288</td><td>300</td><td>Gravel</td><td></td><td></td></tr><tr><td>60</td><td>300</td><td>312</td><td>Gravel</td><td></td><td></td></tr><tr><td>62</td><td>312</td><td>324</td><td>Gravel</td><td></td><td></td></tr><tr><td>64</td><td>324</td><td>336</td><td>Gravel</td><td></td><td></td></tr><tr><td>66</td><td>336</td><td>348</td><td>Gravel</td><td></td><td></td></tr><tr><td>68</td><td>348</td><td>360</td><td>Gravel</td><td></td><td></td></tr><tr><td>70</td><td>360</td><td>372</td><td>Gravel</td><td></td><td></td></tr><tr><td>72</td><td>372</td><td>384</td><td>Gravel</td><td></td><td></td></tr><tr><td>74</td><td>384</td><td>396</td><td>Gravel</td><td></td><td></td></tr><tr><td>76</td><td>396</td><td>408</td><td>Gravel</td><td></td><td></td></tr><tr><td>78</td><td>408</td><td>420</td><td>Gravel</td><td></td><td></td></tr><tr><td>80</td><td>420</td><td>432</td><td>Gravel</td><td></td><td></td></tr><tr><td>82</td><td>432</td><td>444</td><td>Gravel</td><td></td><td></td></tr><tr><td>84</td><td>444</td><td>456</td><td>Gravel</td><td></td><td></td></tr><tr><td>86</td><td>456</td><td>468</td><td>Gravel</td><td></td><td></td></tr><tr><td>88</td><td>468</td><td>480</td><td>Gravel</td><td></td><td></td></tr><tr><td>90</td><td>480</td><td>492</td><td>Gravel</td><td></td><td></td></tr><tr><td>92</td><td>492</td><td>504</td><td>Gravel</td><td></td><td></td></tr><tr><td>94</td><td>504</td><td>516</td><td>Gravel</td><td></td><td></td></tr><tr><td>96</td><td>516</td><td>528</td><td>Gravel</td><td></td><td></td></tr><tr><td>98</td><td>528</td><td>540</td><td>Gravel</td><td></td><td></td></tr><tr><td>100</td><td>540</td><td>552</td><td>Gravel</td><td></td><td></td></tr><tr><td>102</td><td>552</td><td>564</td><td>Gravel</td><td></td><td></td></tr><tr><td>104</td><td>564</td><td>576</td><td>Gravel</td><td></td><td></td></tr><tr><td>106</td><td>576</td><td>588</td><td>Gravel</td><td></td><td></td></tr><tr><td>108</td><td>588</td><td>600</td><td>Gravel</td><td></td><td></td></tr><tr><td>110</td><td>600</td><td>612</td><td>Gravel</td><td></td><td></td></tr><tr><td>112</td><td>612</td><td>624</td><td>Gravel</td><td></td><td></td></tr><tr><td>114</td><td>624</td><td>636</td><td>Gravel</td><td></td><td></td></tr><tr><td>116</td><td>636</td><td>648</td><td>Gravel</td><td></td><td></td></tr><tr><td>118</td><td>648</td><td>660</td><td>Gravel</td><td></td><td></td></tr><tr><td>120</td><td>660</td><td>672</td><td>Gravel</td><td></td><td></td></tr><tr><td>122</td><td>672</td><td>684</td><td>Gravel</td><td></td><td></td></tr><tr><td>124</td><td>684</td><td>696</td><td>Gravel</td><td></td><td></td></tr><tr><td>126</td><td>696</td><td>708</td><td>Gravel</td><td></td><td></td></tr><tr><td>128</td><td>708</td><td>720</td><td>Gravel</td><td></td><td></td></tr><tr><td>130</td><td>720</td><td>732</td><td>Gravel</td><td></td><td></td></tr><tr><td>132</td><td>732</td><td>744</td><td>Gravel</td><td></td><td></td></tr><tr><td>134</td><td>744</td><td>756</td><td>Gravel</td><td></td><td></td></tr><tr><td>136</td><td>756</td><td>768</td><td>Gravel</td><td></td><td></td></tr><tr><td>138</td><td>768</td><td>780</td><td>Gravel</td><td></td><td></td></tr><tr><td>140</td><td>780</td><td>792</td><td>Gravel</td><td></td><td></td></tr><tr><td>142</td><td>792</td><td>804</td><td>Gravel</td><td></td><td></td></tr><tr><td>144</td><td>804</td><td>816</td><td>Gravel</td><td></td><td></td></tr><tr><td>146</td><td>816</td><td>828</td><td>Gravel</td><td></td><td></td></tr><tr><td>148</td><td>828</td><td>840</td><td>Gravel</td><td></td><td></td></tr><tr><td>150</td><td>840</td><td>852</td><td>Gravel</td><td></td><td></td></tr><tr><td>152</td><td>852</td><td>864</td><td>Gravel</td><td></td><td></td></tr><tr><td>154</td><td>864</td><td>876</td><td>Gravel</td><td></td><td></td></tr><tr><td>156</td><td>876</td><td>888</td><td>Gravel</td><td></td><td></td></tr><tr><td>158</td><td>888</td><td>900</td><td>Gravel</td><td></td><td></td></tr><tr><td>160</td><td>900</td><td>912</td><td>Gravel</td><td></td><td></td></tr><tr><td>162</td><td>912</td><td>924</td><td>Gravel</td><td></td><td></td></tr><tr><td>164</td><td>924</td><td>936</td><td>Gravel</td><td></td><td></td></tr><tr><td>166</td><td>936</td><td>948</td><td>Gravel</td><td></td><td></td></tr><tr><td>168</td><td>948</td><td>960</td><td>Gravel</td><td></td><td></td></tr><tr><td>170</td><td>960</td><td>972</td><td>Gravel</td><td></td><td></td></tr><tr><td>172</td><td>972</td><td>984</td><td>Gravel</td><td></td><td></td></tr><tr><td>174</td><td>984</td><td>996</td><td>Gravel</td><td></td><td></td></tr><tr><td>176</td><td>996</td><td>1008</td><td>Gravel</td><td></td><td></td></tr><tr><td>178</td><td>1008</td><td>1020</td><td>Gravel</td><td></td><td></td></tr><tr><td>180</td><td>1020</td><td>1032</td><td>Gravel</td><td></td><td></td></tr><tr><td>182</td><td>1032</td><td>1044</td><td>Gravel</td><td></td><td></td></tr><tr><td>184</td><td>1044</td><td>1056</td><td>Gravel</td><td></td><td></td></tr><tr><td>186</td><td>1056</td><td>1068</td><td>Gravel</td><td></td><td></td></tr><tr><td>188</td><td>1068</td><td>1080</td><td>Gravel</td><td></td><td></td></tr><tr><td>190</td><td>1080</td><td>1092</td><td>Gravel</td><td></td><td></td></tr><tr><td>192</td><td>1092</td><td>1104</td><td>Gravel</td><td></td><td></td></tr><tr><td>194</td><td>1104</td><td>1116</td><td>Gravel</td><td></td><td></td></tr><tr><td>196</td><td>1116</td><td>1128</td><td>Gravel</td><td></td><td></td></tr><tr><td>198</td><td>1128</td><td>1140</td><td>Gravel</td><td></td><td></td></tr><tr><td>200</td><td>1140</td><td>1152</td><td>Gravel</td><td></td><td></td></tr><tr><td>202</td><td>1152</td><td>1164</td><td>Gravel</td><td></td><td></td></tr><tr><td>204</td><td>1164</td><td>1176</td><td>Gravel</td><td></td><td></td></tr><tr><td>206</td><td>1176</td><td>1188</td><td>Gravel</td><td></td><td></td></tr><tr><td>208</td><td>1188</td><td>1200</td><td>Gravel</td><td></td><td></td></tr><tr><td>210</td><td>1200</td><td>1212</td><td>Gravel</td><td></td><td></td></tr><tr><td>212</td><td>1212</td><td>1224</td><td>Gravel</td><td></td><td></td></tr><tr><td>214</td><td>1224</td><td>1236</td><td>Gravel</td><td></td><td></td></tr><tr><td>216</td><td>1236</td><td>1248</td><td>Gravel</td><td></td><td></td></tr><tr><td>218</td><td>1248</td><td>1260</td><td>Gravel</td><td></td><td></td></tr><tr><td>220</td><td>1260</td><td>1272</td><td>Gravel</td><td></td><td></td></tr><tr><td>222</td><td>1272</td><td>1284</td><td>Gravel</td><td></td><td></td></tr><tr><td>224</td><td>1284</td><td>1296</td><td>Gravel</td><td></td><td></td></tr><tr><td>226</td><td>1296</td><td>1308</td><td>Gravel</td><td></td><td></td></tr><tr><td>228</td><td>1308</td><td>1320</td><td>Gravel</td><td></td><td></td></tr><tr><td>230</td><td>1320</td><td>1332</td><td>Gravel</td><td></td><td></td></tr><tr><td>232</td><td>1332</td><td>1344</td><td>Gravel</td><td></td><td></td></tr><tr><td>234</td><td>1344</td><td>1356</td><td>Gravel</td><td></td><td></td></tr><tr><td>236</td><td>1356</td><td>1368</td><td>Gravel</td><td></td><td></td></tr><tr><td>238</td><td>1368</td><td>1380</td><td>Gravel</td><td></td><td></td></tr><tr><td>240</td><td>1380</td><td>1392</td><td>Gravel</td><td></td><td></td></tr><tr><td>242</td><td>1392</td><td>1404</td><td>Gravel</td><td></td><td></td></tr><tr><td>244</td><td>1404</td><td>1416</td><td>Gravel</td><td></td><td></td></tr><tr><td>246</td><td>1416</td><td>1428</td><td>Gravel</td><td></td><td></td></tr><tr><td>248</td><td>1428</td><td>1440</td><td>Gravel</td><td></td><td></td></tr><tr><td>250</td><td>1440</td><td>1452</td><td>Gravel</td><td></td><td></td></tr><tr><td>252</td><td>1452</td><td>1464</td><td>Gravel</td><td></td><td></td></tr><tr><td>254</td><td>1464</td><td>1476</td><td>Gravel</td><td></td><td></td></tr><tr><td>256</td><td>1476</td><td>1488</td><td>Gravel</td><td></td><td></td></tr><tr><td>258</td><td>1488</td><td>1500</td><td>Gravel</td><td></td><td></td></tr><tr><td>260</td><td>1500</td><td>1512</td><td>Gravel</td><td></td><td></td></tr><tr><td>262</td><td>1512</td><td>1524</td><td>Gravel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/td><td>2268</td><td>2280</td><td>Gravel</td><td></td><td></td></tr><tr><td>390</td><td>2280</td><td>2292</td><td>Gravel</td><td></td><td></td></tr><tr><td>392</td><td>2292</td><td>2304</td><td>Gravel</td><td></td><td></td></tr><tr><td>394</td><td>2304</td><td>2316</td><td>Gravel</td><td></td><td></td></tr><tr><td>396</td><td>2316</td><td>2328</td><td>Gravel</td><td></td><td></td></tr><tr><td>398</td><td>2328</td><td>2340</td><td>Gravel</td><td></td><td></td></tr><tr><td>400</td><td>2340</td><td>2352</td><td>Gravel</td><td></td><td></td></tr><tr><td>402</td><td>2352</td><td>2364</td><td>Gravel</td><td></td><td></td></tr><tr><td>404</td><td>2364</td><td>2376</td><td>Gravel</td><td></td><td></td></tr><tr><td>406</td><td>2376</td><td>2388</td><td>Gravel</td><td></td><td></td></tr><tr><td>408</td><td>2388</td><td>2400</td><td>Gravel</td><td></td><td></td></tr><tr><td>410</td><td>2400</td><td>2412</td><td>Gravel</td><td></td><td></td></tr><tr><td>412</td><td>2412</td><td>2424</td><td>Gravel</td><td></td><td></td></tr><tr><td>414</td><td>2424</td><td>2436</td><td>Gravel</td><td></td><td></td></tr><tr><td>416</td><td>2436</td><td>2448</td><td>Gravel</td><td></td><td></td></tr><tr><td>418</td><td>2448</td><td>2460</td><td>Gravel</td><td></td><td></td></tr><tr><td>420</td><td>2460</td><td>2472</td><td>Gravel</td><td></td><td></td></tr><tr><td>422</td><td>2472</td><td>2484</td><td>Gravel</td><td></td><td></td></tr><tr><td>424</td><td>2484</td><td>2496</td><td>Gravel</td><td></td><td></td></tr><tr><td>426</td><td>2496</td><td>2508</td><td>Gravel</td><td></td><td></td></tr><tr><td>428</td><td>2508</td><td>2520</td><td>Gravel</td><td></td><td></td></tr><tr><td>430</td><td>2520</td><td>2532</td><td>Gravel</td><td></td><td></td></tr><tr><td>432</td><td>2532</td><td>2544</td><td>Gravel</td><td></td><td></td></tr><tr><td>434</td><td>2544</td><td>2556</td><td>Gravel</td><td></td><td></td></tr><tr><td>436</td><td>2556</td><td>2568</td><td>Gravel</td><td></td><td></td></tr><tr><td>438</td><td>2568</td><td>2580</td><td>Gravel</td><td></td><td></td></tr><tr><td>440</td><td>2580</td><td>2592</td><td>Gravel</td><td></td><td></td></tr><tr><td>442</td><td>2592</td><td>2604</td><td>Gravel</td><td></td><td></td></tr><tr><td>444</td><td>2604</td><td>2616</td><td>Gravel</td><td></td><td></td></tr><tr><td>446</td><td>2616</td><td>2628</td><td>Gravel</td><td></td><td></td></tr><tr><td>448</td><td>2628</td><td>2640</td><td>Gravel</td><td></td><td></td></tr><tr><td>450</td><td>2640</td><td>2652</td><td>Gravel</td><td></td><td></td></tr><tr><td>452</td><td>2652</td><td>2664</td><td>Gravel</td><td></td><td></td></tr><tr><td>454</td><td>2664</td><td>2676</td><td>Gravel</td><td></td><td></td></tr><tr><td>456</td><td>2676</td><td>2688</td><td>Gravel</td><td></td><td></td></tr><tr><td>458</td><td>2688</td><td>2700</td><td>Gravel</td><td></td><td></td></tr><tr><td>460</td><td>2700</td><td>2712</td><td>Gravel</td><td></td><td></td></tr><tr><td>462</td><td>2712</td><td>2724</td><td>Gravel</td><td></td><td></td></tr><tr><td>464</td><td>2724</td><td>2736</td><td>Gravel</td><td></td><td></td></tr><tr><td>466</td><td>2736</td><td>2748</td><td>Gravel</td><td></td><td></td></tr><tr><td>468</td><td>2748</td><td>2760</td><td>Gravel</td><td></td><td></td></tr><tr><td>470</td><td>2760</td><td>2772</td><td>Gravel</td><td></td><td></td></tr><tr><td>472</td><td>2772</td><td>2784</td><td>Gravel</td><td></td><td></td></tr><tr><td>474</td><td>2784</td><td>2796</td><td>Gravel</td><td></td><td></td></tr><tr><td>476</td><td>2796</td><td>2808</td><td>Gravel</td><td></td><td></td></tr><tr><td>478</td><td>2808</td><td>2820</td><td>Gravel</td><td></td><td></td></tr><tr><td>480</td><td>2820</td><td>2832</td><td>Gravel</td><td></td><td></td></tr><tr><td>482</td><td>2832</td><td>2844</td><td>Gravel</td><td></td><td></td></tr><tr><td>484</td><td>2844</td><td>2856</td><td>Gravel</td><td></td><td></td></tr><tr><td>486</td><td>2856</td><td>2868</td><td>Gravel</td><td></td><td></td></tr><tr><td>488</td><td>2868</td><td>2880</td><td>Gravel</td><td></td><td></td></tr><tr><td>490</td><td>2880</td><td>2892</td><td>Gravel</td><td></td><td></td></tr><tr><td>492</td><td>2892</td><td>2904</td><td>Gravel</td><td></td><td></td></tr><tr><td>494</td><td>2904</td><td>2916</td><td>Gravel</td><td></td><td></td></tr><tr><td>496</td><td>2916</td><td>2928</td><td>Gravel</td><td></td><td></td></tr><tr><td>498</td><td>2928</td><td>2940</td><td>Gravel</td><td></td><td></td></tr><tr><td>500</td><td>2940</td><td>2952</td><td>Gravel</td><td></td><td></td></tr><tr><td>502</td><td>2952</td><td>2964</td><td>Gravel</td><td></td><td></td></tr><tr><td>504</td><td>2964</td><td>2976</td><td>Gravel</td><td></td><td></td></tr><tr><td>506</td><td>2976</td><td>2988</td><td>Gravel</td><td></td><td></td></tr><tr><td>508</td><td>2988</td><td>3000</td><td>Gravel</td><td></td><td></td></tr></tbody></table>		Hole 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Depth		Material	Water		From	To	Yes	No	10	0	12	Gravel			12	12	24	Gravel			14	24	36	Gravel			16	36	48	Gravel			18	48	60	Gravel			20	60	72	Gravel			22	72	84	Gravel			24	84	96	Gravel			26	96	108	Gravel			28	108	120	Gravel			30	120	132	Gravel			32	132	144	Gravel			34	144	156	Gravel			36	156	168	Gravel			38	168	180	Gravel			40	180	192	Gravel			42	192	204	Gravel			44	204	216	Gravel			46	216	228	Gravel			48	228	240	Gravel			50	240	252	Gravel			52	252	264	Gravel			54	264	276	Gravel			56	276	288	Gravel			58	288	300	Gravel			60	300	312	Gravel			62	312	324	Gravel			64	324	336	Gravel			66	336	348	Gravel			68	348	360	Gravel			70	360	372	Gravel			72	372	384	Gravel			74	384	396	Gravel			76	396	408	Gravel			78	408	420	Gravel			80	420	432	Gravel			82	432	444	Gravel			84	444	456	Gravel			86	456	468	Gravel			88	468	480	Gravel			90	480	492	Gravel			92	492	504	Gravel			94	504	516	Gravel			96	516	528	Gravel			98	528	540	Gravel			100	540	552	Gravel			102	552	564	Gravel			104	564	576	Gravel			106	576	588	Gravel			108	588	600	Gravel			110	600	612	Gravel			112	612	624	Gravel			114	624	636	Gravel			116	636	648	Gravel			118	648	660	Gravel			120	660	672	Gravel			122	672	684	Gravel			124	684	696	Gravel			126	696	708	Gravel			128	708	720	Gravel			130	720	732	Gravel			132	732	744	Gravel			134	744	756	Gravel			136	756	768	Gravel			138	768	780	Gravel			140	780	792	Gravel			142	792	804	Gravel			144	804	816	Gravel			146	816	828	Gravel			148	828	840	Gravel			150	840	852	Gravel			152	852	864	Gravel			154	864	876	Gravel			156	876	888	Gravel			158	888	900	Gravel			160	900	912	Gravel			162	912	924	Gravel			164	924	936	Gravel			166	936	948	Gravel			168	948	960	Gravel			170	960	972	Gravel			172	972	984	Gravel			174	984	996	Gravel			176	996	1008	Gravel			178	1008	1020	Gravel			180	1020	1032	Gravel			182	1032	1044	Gravel			184	1044	1056	Gravel			186	1056	1068	Gravel			188	1068	1080	Gravel			190	1080	1092	Gravel			192	1092	1104	Gravel			194	1104	1116	Gravel			196	1116	1128	Gravel			198	1128	1140	Gravel			200	1140	1152	Gravel			202	1152	1164	Gravel			204	1164	1176	Gravel			206	1176	1188	Gravel			208	1188	1200	Gravel			210	1200	1212	Gravel			212	1212	1224	Gravel			214	1224	1236	Gravel			216	1236	1248	Gravel			218	1248	1260	Gravel			220	1260	1272	Gravel			222	1272	1284	Gravel			224	1284	1296	Gravel			226	1296	1308	Gravel			228	1308	1320	Gravel			230	1320	1332	Gravel			232	1332	1344	Gravel			234	1344	1356	Gravel			236	1356	1368	Gravel			238	1368	1380	Gravel			240	1380	1392	Gravel			242	1392	1404	Gravel			244	1404	1416	Gravel			246	1416	1428	Gravel			248	1428	1440	Gravel			250	1440	1452	Gravel			252	1452	1464	Gravel			254	1464	1476	Gravel			256	1476	1488	Gravel			258	1488	1500	Gravel			260	1500	1512	Gravel			262	1512	1524	Gravel			264	1524	1536	Gravel			266	1536	1548	Gravel			268	1548	1560	Gravel			270	1560	1572	Gravel			272	1572	1584	Gravel			274	1584	1596	Gravel			276	1596	1608	Gravel			278	1608	1620	Gravel			280	1620	1632	Gravel			282	1632	1644	Gravel			284	1644	1656	Gravel			286	1656	1668	Gravel			288	1668	1680	Gravel			290	1680	1692	Gravel			292	1692	1704	Gravel			294	1704	1716	Gravel			296	1716	1728	Gravel			298	1728	1740	Gravel			300	1740	1752	Gravel			302	1752	1764	Gravel			304	1764	1776	Gravel			306	1776	1788	Gravel			308	1788	1800	Gravel			310	1800	1812	Gravel			312	1812	1824	Gravel			314	1824	1836	Gravel			316	1836	1848	Gravel			318	1848	1860	Gravel			320	1860	1872	Gravel			322	1872	1884	Gravel			324	1884	1896	Gravel			326	1896	1908	Gravel			328	1908	1920	Gravel			330	1920	1932	Gravel			332	1932	1944	Gravel			334	1944	1956	Gravel			336	1956	1968	Gravel			338	1968	1980	Gravel			340	1980	1992	Gravel			342	1992	2004	Gravel			344	2004	2016	Gravel			346	2016	2028	Gravel			348	2028	2040	Gravel			350	2040	2052	Gravel			352	2052	2064	Gravel			354	2064	2076	Gravel			356	2076	2088	Gravel			358	2088	2100	Gravel			360	2100	2112	Gravel			362	2112	2124	Gravel			364	2124	2136	Gravel			366	2136	2148	Gravel			368	2148	2160	Gravel			370	2160	2172	Gravel			372	2172	2184	Gravel			374	2184	2196	Gravel			376	2196	2208	Gravel			378	2208	2220	Gravel			380	2220	2232	Gravel			382	2232	2244	Gravel			384	2244	2256	Gravel			386	2256	2268	Gravel			388	2268	2280	Gravel			390	2280	2292	Gravel			392	2292	2304	Gravel			394	2304	2316	Gravel			396	2316	2328	Gravel			398	2328	2340	Gravel			400	2340	2352	Gravel			402	2352	2364	Gravel			404	2364	2376	Gravel			406	2376	2388	Gravel			408	2388	2400	Gravel			410	2400	2412	Gravel			412	2412	2424	Gravel			414	2424	2436	Gravel			416	2436	2448	Gravel			418	2448	2460	Gravel			420	2460	2472	Gravel			422	2472	2484	Gravel			424	2484	2496	Gravel			426	2496	2508	Gravel			428	2508	2520	Gravel			430	2520	2532	Gravel			432	2532	2544	Gravel			434	2544	2556	Gravel			436	2556	2568	Gravel			438	2568	2580	Gravel			440	2580	2592	Gravel			442	2592	2604	Gravel			444	2604	2616	Gravel			446	2616	2628	Gravel			448	2628	2640	Gravel			450	2640	2652	Gravel			452	2652	2664	Gravel			454	2664	2676	Gravel			456	2676	2688	Gravel			458	2688	2700	Gravel			460	2700	2712	Gra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5. WELL CONSTRUCTION Diameter of hole _____ inches Total depth _____ feet Casing schedule ☒ Steel ☐ Concrete Thickness _____ inches Diameter _____ inches From _____ feet To _____ feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches Number _____ From _____ To _____ _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No Size of gravel _____ Placed from _____ feet to _____ feet Surface seal? ☒ Yes ☐ No (to what depth) _____ feet Material used in seal ☒ Cement grout ☐ Puddling clay		11. DRILLER'S CERTIFICATION This well was drilled under my supervision and this report is true to the best of my knowledge. Driller's or Firm's Name _____ Number _____ Address _____ Signed By <u>C. L. Middleton</u> Date <u>1-2-71</u>																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
6. LOCATION OF WELL Sketch map location must agree with written location. 																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

JUN - 2 1999

Department of Water Resources

June 1, 1999

Mr. Norm Young
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Subject: Application for Permit Nos. 63-12461 and 63-12470

Dear Mr. Young:

This letter is a follow up to our meeting with Don Watkins and Glenn Saxton on May 19, 1999. Mr. Watkins has submitted applications for permit to appropriate 15.39 cfs of groundwater for irrigation and stockwater use on a total of 760 acres located in southern Ada County. At the meeting, Mr. Watkins requested that the Department approve his applications because of (1) the remote location of his farm relative to the Boise River and (2) because groundwater beneath his farm is tributary to the Snake River. Mr. Watkins' property is located approximately 8 miles south-southeast of Kuna and 15 miles south-southwest of Boise. The place of use and points of diversion are located in Sections 27, 33, and 35, T1N, R1E.

Groundwater beneath the Watkins property is found in aquifers that are part of the western Snake River Plain Aquifer System. The points of diversion for these applications are located in the Boise River surface water drainage basin, but the groundwater beneath the property is tributary to the Snake River, 8 miles to the southwest. The groundwater divide between those portions of the aquifer that are tributary to the Snake River and those portions that are tributary to the Boise River is approximately seven miles northwest of the property near Kuna. This divide is approximated by the location of the New York Canal. The Boise River is 15 to 20 north of the Watkins property.

Pumping of groundwater for irrigation under these permits will consume a maximum of 2,660 af per year, based on 760 acres and 3.5 af/acre annual consumptive use. The ultimate sources of this water will likely be aquifer storage depletion and reduced surface water gains (primarily Snake River). A potential additional source could be increased seepage losses from surface water sources (canals, Indian Creek, etc.), although surface waters in this area are generally perched far enough above the water table that aquifer water level drawdown will not induce any additional losses.

The hydraulic impact of pumping under these proposed water rights can best be determined using a calibrated numerical model (such as the model being developed by the Treasure Valley Hydrologic Project). A numerical model can determine changes in aquifer storage resulting from pumping and can also calculate the depletive effect of pumping on surface waters. However, since the Treasure Valley Hydrologic Project's numerical model is not yet available to answer

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JUN 2 1999

questions related to water rights, other methods can be used evaluate the potential impacts of this proposed appropriation. For instance, an analytical approach using the Theis equation can be used to estimate drawdown due to pumping. This approach assumes an infinite homogenous aquifer without recharge, and requires estimates of transmissivity and storativity.

For an annual withdrawal of 2,660 af, the Theis equation predicts less than one foot of drawdown at a distance of seven miles from the pumping center (i.e., the distance to the groundwater divide between the Boise and Snake Rivers) after ten years of pumping. After 100 years of pumping, the Theis equation predicts approximately 3 feet of drawdown at a distance of seven miles. Calculations are attached. This drawdown could have the effect of slightly shifting the location of the groundwater divide, or inducing more leakage from surface water sources. If the groundwater divide is shifted, the distance of the shift will likely be less than a mile since the water table gradient in that area is approximately 10 feet per mile.

The Theis analysis provides an estimate of aquifer drawdown in the vicinity of the pumping wells, but does not provide an estimate of depletive effects to the Snake River and Boise River. Intuitively, the majority of the anticipated depletion will occur to the Snake River because the Snake River is much closer than the Boise River (8 miles versus 15 miles) and because the Snake River is directly down-gradient of the Watkins property. A calibrated numerical model is the best tool to estimate the magnitude of the anticipated depletion.

In summary, the primary impacts of Watkins' proposed groundwater appropriation are anticipated to be (1) aquifer water level drawdown (primarily in the portion of the aquifer located south of the New York Canal) and (2) reduced groundwater discharge to the Snake River.

Please contact me with any questions regarding this analysis.

Sincerely,



Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

Cc: Don Watkins

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APR 26 2001

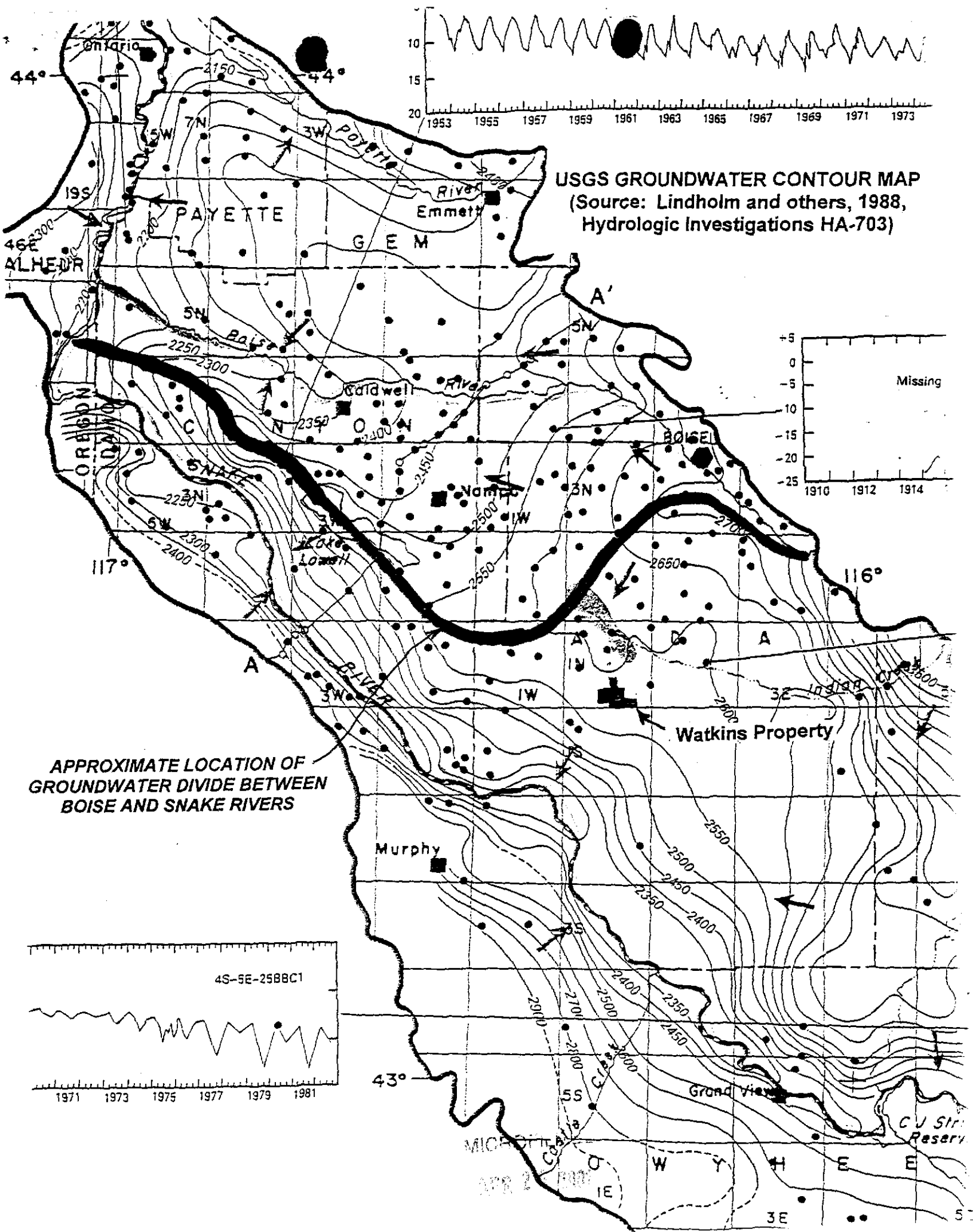
Calculated Drawdowns For Various Distances From The Pumping Center(2660 af/yr average withdrawal, $T=150,000$ gpd/ft, $S=0.1$)

	1 mile	5 miles	7 miles	10 miles	15 miles
1 year	2.3	<0.1	<0.1	<0.1	<0.1
5 years	4.3	0.1	<0.1	<0.1	<0.1
10 years	5.1	1.4	0.7	0.3	<0.1
100 years	8.0	4.0	3.2	2.4	1.5

Notes: Transmissivity in this area is estimated to be 150,000 gpd/ft, based on the specific capacity of local wells (100 gpm/ft) and previous modeling of the Snake River Plain by the USGS (Newton, 1991). A storativity of 0.10 was used in the USGS model.

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APR 26 1999



MEMORANDUM

To: Files 63-12461 and 63-12470
From: L. Glen Saxton *mg*
RE: TELEPHONE CONVERSATION
Date: May 13, 1999

On this date, Don Watkins (applicant) called me in connection with the above referenced applications. He was checking on the status of the applications and represented that he had been told there was no problem with their approval.

I determined that the department sent a letter to Mr. Watkins yesterday, which he probably had not yet received at the time of his telephone inquiry. I also called Western Region who advised me that Mr. Watkins' consultant, Terry Scanlan had recently been told by western region that the regional office was forwarding the files to the state office with reservations about approval of the applications. Scanlan told the regional office that he would so advise his client, Mr. Watkins.

I returned a call to Mr. Watkins advising that the department had sent a letter to him yesterday which he probably had not yet received. I advised him of the content of the letter and advised that the department was holding the applications pending the submittal of a specific mitigation plan and processing of the prior pending applications. I suggested that a transfer of an existing water right might allow him to proceed with the project sooner than could be allowed under the applications for permit. He said he has previously been advised of the transfer option.

I told Mr. Watkins to feel free to call me in connection with the department's May 12, 1999 letter if he has questions.

c: Norm Young w/ attachment

ENCLOSURE

MAY 13 1999

MEMORANDUM

To: Water Right Application File nos. 63-12461 & 63-12470; Don Watkins
From: Gary Spackman *Gary*
Date: May 7, 1999

Re: Recommendations for Application Consideration

These water right applications propose diversion of water within Basin 63. IDWR has not been approving applications within Basin 63 unless the applicant submits and IDWR approves a mitigation plan. These applications do not propose any plan of mitigation.

Several months ago, I sent a Basin 63 application filed by Sand Springs Ranch to the state office. The application proposed a diversion of ground water near the extreme eastern border of Basin 63 in the Indian Creek Drainage. Terry Scanlan submitted information showing that the ground water proposed for diversion is tributary to the Snake River not the Boise River. I held this application for a long time, anticipating that we would open the area for appropriation. Because of continued inquiries from Jo Beeman, I finally sent the applications to the state office for consideration. I believe a permit was issued to Sand Springs Ranch.

Terry Scanlan has submitted documents showing that ground water underlying the proposed points of diversion for the Watkins' applications (63-12461 & 63-12470) is tributary to the Snake River. Because of the precedent established by the Sand Springs Ranch application, I am forwarding this application to the state office. **Nonetheless, I adamantly recommend that we refuse to issue permits for application nos. 63-12461 & 63-12470 at the present time.** I offer the following reasons:

1. I compiled a list of 80 – 90 pending Basin 63 applications located in an area where ground water is tributary to the Snake River. I've attached the list of applications. Some of these applications bear priority dates back to 1992 or earlier. Application nos. 63-12461 & 63-12470 bear priority dates of 1998. Out-of-order processing is not fair to applicants who have waited patiently. We should consider their applications first.
2. The proposed points of diversion are located on south Cloverdale Road, much closer to suburban Boise than the Sand Springs Ranch points of diversion. Approval of these applications could significantly affect other water users. The approval would also be much more visible to those who filed earlier and are patiently waiting.
3. A person trying to build a dairy in the same general area (Regli) submitted a plan of mitigation to us, proposing to retain canal shares if IDWR would allow him to drill a well to divert ground water. We recently sent a letter Regli, asking him to show that the retained surface water will compensate for his proposed ground water withdrawal. Surely we can't approve these applications for which no plan of mitigation has been submitted.

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APR 25 2001

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

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MAY 11 1999

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: ly DATE: 2/2/99 APPLICATION: 63-12470

REQUIRED INFORMATION

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

RECEIVED

Gov't. Lots:

☒ P/D

☒ P/U

MAY 11 1999

Department of Water Resources

ADDITIONAL INFORMATION

Y ADVERTISE REMARK(S)

(Reviewer identify which remarks)

done 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: per attached
- ☐ ☒ 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.
- ☐ ☐ immediate = acceptable plan required and submitted.
- ☒ ☐ future = open areas, acceptance of condition of approval is in file.
- ☐ ☒ Send power requirement letter &/or fish farm requirement letter.
- ☐ ☒ Power residency affidavit:
- ☒ ☐ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ ☐ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

water bearing zone per telecon w
Terry Scanlon

Date Requested 2/3/99 Date Response Received 2/3/99

PROCESSING

APP. NO. 6-12470

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 3.8.99.

☐ ☒ Protests received.

☒ ☐ Recommendations attached:

☐ ☒ Measuring device required:

☐ ☒ Water delivered by water master? District # _____

☐ ☐ Special conditions of approval or cover letter: See memo dated May 7, 1999.

Recommend withholding approval until ① Treasure Valley suspension is lifted & ② ~~the~~ All previously filed applications are considered.

☐ ☐ See below for additional information

Recommended Date or Priority 9/9/90 (if approved)

Recommended by: Barys Date: 5/7/99

ADDITIONAL INFORMATION:

Pln overlap: 63-07078A (80ac) - same source + owner

63-08435 (45ac) " " "

see Terry Scanlon 1/29/99 letter -

IDAPA 37.03.08.C.ii addresses overlaps

OD-5813
WR5813NP
SELECTION FILE: GOISEGW12

IDAHO DEPARTMENT OF WATER RESOURCES
WATER MASTER REPORT
BY WATER SOURCE/PRIORITY DATE

DATE: 04/09/99
TIME: 14:03:35
PAGE: 1

*MPOD: Y = Multiple Pts of Diversion, Pod Diversion Rate(s) is 0
U = Multiple Pts of Diversion, Pod Diversion Rate(s) Not 0
N = No Multiple Pts of Diversion (only 1)

WATER RIGHT NUMBER	OWNER NAME	O C	PRIORITY DATE	S T	F L	G	TOTAL DIVERSION	POD DIVERSION NAME	*M P O D	U S E
WATER SOURCE: GROUNDWATER										
63-07555	MELLIN, RALPH		02/11/1972	A 01N 01W 22	NENW		6.400 CFS		N	01
63-07562	RUNKLE, JR., JOHN H.		02/29/1972	A 01N 01W 25	NWSW		3.600 CFS		N	01
63-10320	BOTT, MARY		04/18/1978	A 01S 03E 8	NWSW		5.600 CFS		N	01
63-10321	BOTT, FORREST		05/12/1978	A 01S 03E 5	NWSE		5.600 CFS		Y	01
63-10053	TULLIS, KATHLEEN E.		06/06/1983	A 02N 03W 28	NENE		6.400 CFS		Y	01
63-10054	TULLIS, FREDERIC C.		06/06/1983	A 02N 03W 21	SWSE		6.400 CFS		Y	01
63-11677	SYMMS FRUIT RANCH INC		02/10/1992	A 03N 04W 22	NWNE		1.280 CFS		N	01
63-11658	SHROLL, LYLE E		02/13/1992	A 02N 02W 27	SWSWSW		1.600 CFS		N	01
63-11649	PFESTER, H V		02/24/1992	A 01N 02W 36	NWNE		1.600 CFS		N	01
63-11680	RITTERSBACHER, DAVID		02/26/1992	A 02N 01E 1	SESWNW		0.280 CFS		N	01
63-11686	FARGO FARMS INC		03/04/1992	A 04N 05W 34	SENE		1.600 CFS		N	01
63-11734	CHRISTENSEN, MICHAEL		03/11/1992	A 01N 02W 16	NENE		1.600 CFS		N	01
63-11712	BLICKENSTAFF, RONALD		03/12/1992	A 01N 01W 19	NENW		2.400 CFS		N	01
63-11716	LAW, NORMAN E		03/13/1992	A 02N 01E 33	NWNWSW		1.600 CFS		N	01
63-11730	LAWRENCE, PAUL E		03/17/1992	A 01N 02W 15	NWNE		1.600 CFS		N	01
63-11722	PERKINS, FRANCES		03/19/1992	A 02N 03W 10	NENW		1.340 CFS		Y	01
63-11743	DCD PROPERTIES		03/25/1992	A 02N 02W 33	SENW		1.510 CFS		N	01
63-11793	ISAGUIRRE, MARGIE		04/02/1992	A 04N 05W 34	SENW		0.800 CFS		N	01
63-11754	FARNER, VIRGIL E		04/06/1992	A 02N 03W 5	SENE		1.480 CFS		N	01
63-12391	IDAHO POWER COMPANY		04/10/1992	A 02S 01E 19	NENE	1	0.450 CFS		N	43
63-11783	LUCKY PEAK PROPERTIES		04/10/1992	A 02N 03E 1	NWNE	2	0.300 CFS		N	01
63-11772	MILLER LAND CO INC		04/15/1992	A 01N 02W 21	SENE		2.190 CFS		N	01
63-11773	TRACY, MARK S		04/16/1992	A 02N 03W 10	SENW		1.180 CFS		N	01
63-11797	PROESCH, ROBERT M		04/16/1992	A 01S 02W 14	NESWNE		1.800 CFS		N	01
63-11777	PANCHERI, DUANE		04/17/1992	A 01S 01W 20	NESE		8.100 CFS		Y	01
63-11778	REINEKE, RICHARD L		04/17/1992	A 01N 02W 34	SWNW		2.000 CFS		N	01
63-11784	MONTGOMERY, RAYMOND C		04/23/1992	A 01S 02W 2	SWSW		0.680 CFS		N	01
63-11795	J & R FARM		04/27/1992	A 03N 04W 8	NESE		3.000 CFS		Y	01
63-11803	WILLIAMSON ORCHARDS		04/29/1992	A 03N 04W 24	NWNW		1.500 CFS		Y	01
63-11818	JF WATSON FARMS CO		05/07/1992	A 03N 04W 7	NWNE		0.800 CFS		N	01
63-11830	ALDER, NORMAN C		05/14/1992	A 01N 02W 36	NENWSE		2.000 CFS		Y	01
63-11834	TAYLOR, CHARLES B		05/18/1992	A 01N 01W 6	NESW		2.400 CFS		N	01
63-11829	JEFFERS, GEORGE		05/18/1992	A 03N 04W 15	NENE		0.800 CFS		N	01
63-11837	TAGGERT, DONALD		05/21/1992	A 02N 02W 32	NWSE		1.600 CFS		N	01
63-11741	PORTER, PAUL		05/22/1992	A 01N 02W 10	NENW		2.300 CFS		N	01
63-11862	CHURCH OF JESUS CHRIST LATTER DAY		06/12/1992	A 01N 02W 36	SESW		0.030 CFS		N	01
63-11871	PLATT, WENDELL B		06/15/1992	A 03N 04W 14	SENW		0.600 CFS		Y	01
63-11865	HENNIS, JESS		06/15/1992	A 02N 03W 9	SESE		2.000 CFS		N	01
63-11870	TUTTLE, KATHY M		06/18/1992	A 01S 02W 10	NWNE		0.800 CFS		N	01
63-11885	ROBERTSON, STEPHEN C		06/24/1992	A 03N 04W 36	NWNW		0.190 CFS		N	01
63-11879	MC INTYRE, RONALD J.		06/25/1992	A 04N 05W 36	SWSW		1.500 CFS		N	01
63-11940	BLATTNER, ROSS		10/02/1992	A 02N 01W 31	NWSWSE		2.280 CFS		N	01
63-11944	TUCKER, BONITA		10/16/1992	A 03N 05W 3	SWSE	7	0.060 CFS		N	01
63-11962	KUKLA, MIKE		11/13/1992	A 01N 02W 24	SWSWNW		0.720 CFS		N	01

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APR 13 1999

CD-5813
WR5813NP
SELECTION FILE: GOISEGN12

IDAHO DEPARTMENT OF WATER RESOURCES
WATER MASTER REPORT
BY WATER SOURCE/PRIORITY DATE

DATE: 04/09/99
TIME: 14:03:39
PAGE: 2

*MPOD: Y = Multiple Pts of Diversion, Pod Diversion Rate(s) is 0
U = Multiple Pts of Diversion, Pod Diversion Rate(s) Not 0
N = No Multiple Pts of Diversion (only 1)

WATER RIGHT NUMBER	OWNER NAME	O C	PRIORITY DATE	S T G	POINT OF DIVERSION	F L G	TOTAL DIVERSION	POD DIVERSION NAME	*M P U O S D E
63-11976	JOHNSON, GEORGE R		01/19/1993	A	02N 03W 16	NWNE	1.600 CFS		N 01
63-11998	THOMAS, WILLIAM		02/26/1993	A	02N 01E 34	SWNW	0.700 CFS		N 01
63-12001	KNOPP, RUSSELL		03/05/1993	A	01N 01E 9	NESE	0.240 CFS		N 01
63-12007	JOHNSON III, MIERS C		04/14/1993	A	02N 03W 10	SWNE	3.400 CFS		Y 01
63-12070	CANTLOW, VICKI		10/28/1993	A	02N 01E 12	SESENE	0.640 CFS		Y 01
63-12075	JAMES G COLVIN TRUST		11/04/1993	A	02N 01E 27	NWSWNW	0.200 CFS		N 01
63-12094	FLERCHINGER, GERALD		01/21/1994	A	02N 02E 7	NENESE	0.120 CFS		N 01
63-12206	BARNES, HOMER		05/05/1995	A	02N 01E 26	SENV	0.200 CFS		N 01
63-12214	MARTINEZ, JORGE A		05/09/1995	A	02N 03W 10	SWNE	0.540 CFS		N 01
63-12253	THORNTON, LAVAR		06/02/1995	A	01N 01E 7	NENWNW	2.780 CFS		N 01
63-12219	ROEDER, JOHN		06/09/1995	A	02N 02E 7	NWNW	2.900 CFS		N 01
63-12278	CLAPSON, LORNE L		07/07/1995	A	01N 01W 7	SWNE	0.400 CFS		Y 04
63-12241	LEAVELL, GARY W		07/14/1995	A	01N 01W 19	SWNE	0.200 CFS		N 01
63-12260	MILLER, ANTHONY		07/21/1995	A	01N 01E 3	SWNWNW	3.220 CFS		N 01
63-12254	THORNTON, LAVAR		07/31/1995	A	01N 01E 7	NENWNW	3.250 CFS		N 01
63-12255	THORNTON LANDS LTD		07/31/1995	A	01N 01E 7	NENWNW	1.770 CFS		N 01
63-12268	JORDAN, HAROLD		08/17/1995	A	03N 04W 15	NESE	0.080 CFS		N 01
63-12279	RAPTOSH, RANDY D		08/18/1995	A	02N 02W 27	NWNW	0.390 CFS		N 01
63-12269	JOHNSON LAND CO		08/28/1995	A	02N 03W 16	NENE	2.000 CFS		N 01
63-12280	POSEY, STEVE		10/10/1995	A	02N 01E 26	SWNW	0.200 CFS		N 01
63-12286	RECLA, GABE		10/30/1995	A	02N 01E 12	NESWSW	0.240 CFS		N 01
63-12285	ELLIS, KEN		10/30/1995	A	02N 01E 12	SENWSW	0.440 CFS		N 01
63-12287	JORDAN, JON		10/30/1995	A	02N 01E 12	SESWSW	0.240 CFS		N 01
63-12289	RICHARDSON, FRANK D		11/01/1995	A	01N 01E 10	SWNWSW	0.200 CFS		N 01
63-12333	DARLING INTERNATIONAL INC		04/04/1996	A	01N 01E 12	SWNE	1.960 CFS		N 01
63-12337	ULMER, JEFFREY V		05/10/1996	A	01N 01E 9	SESE	0.280 CFS		N 01
63-12357	NACHBAR, RICHARD H		08/16/1996	A	03N 04W 22	SWSW	0.120 CFS		N 01
63-12389	NOE, LLOYD		03/03/1997	A	01N 01W 30	SENESE	1.060 CFS		N 01
63-12404	CRAWFORD, DAVID M		07/29/1997	A	02N 03W 15	NWNE	0.820 CFS		N 01
63-12421	BAICY, JOHN W		10/24/1997	A	01N 01E 19	NWNE	3.000 CFS		N 01
63-12427	OWEN, RICHARD		12/04/1997	A	04N 05W 27	SWNW	3.000 CFS		N 01
63-12433	BOHRER, ROBERT		01/14/1998	A	02N 01E 26	NWNE	1.000 CFS		N 01
63-12461	WATKINS, DON		07/22/1998	A	01N 01E 27	SWNW	6.400 CFS		Y 01
63-12470	WATKINS, DON		09/09/1998	A	01N 01E 33	NENW	8.990 CFS		Y 01
63-12500	WHEELER, BRADLEY F		09/23/1998	A	01N 02W 21	NWNW	0.160 CFS		N 43
63-12490	VANDEWATER, DEAN R		09/30/1998	A	02N 01E 12	NESW	0.340 CFS		N 01
63-12504	COOK, JOHN M		12/02/1998	A	01N 02W 21	SENWNW	0.160 CFS		N 43
63-12501	STATE OF IDAHO		12/28/1998	A	02N 03E 28	NENESW	0.150 CFS		N 01
TOTAL:							145.360 CFS		

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APR 26 1999

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Amount Due

\$156.00

Account Number/Trans. #	Identification		
047628	APPLICATION FOR WATER RIGHT		
Ordered By	P.O. Number	Rate	Run Dates
SUE TAYLOR		NT	MARCH 4, 11, 1999
STATE OF IDAHO DEPT. OF WATER RESOURCES WESTERN REG. 2735 AIRPORT WAY BOISE, IDAHO 83705 - 5082		Estimated Inches	Real Inches
		# Affidavits	Legal Number
		1	3460

RECEIVED

MAR 22 1999

WATER RESOURCES
WESTERN REGION

JANICE HILDRETH

, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly

☐ single

☐ consecutive daily

☐ odd skip

insertion(s) beginning with the issue of

MARCH 4, 1999

and ending with the issue of

MARCH 11, 1999

Janice Hildreth

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 11TH day of MARCH in the year of 1999, before me, a Notary Public, personally appeared JANICE HILDRETH known or identified

to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Angela M Newland

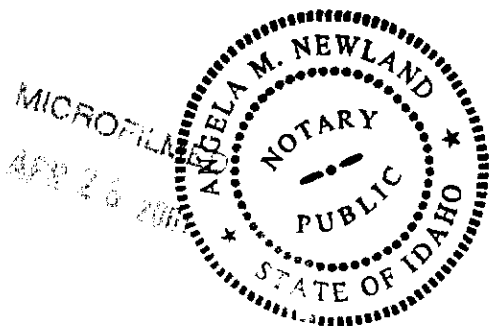
Notary Public for Idaho

Residing at:

Boise, Idaho

My commission expires:

2/12/05



**LEGAL NOTICE
NOTICE OF APPLICATION FOR WATER RIGHT**

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

63-12441

WATKINS, DON
WATKINS, BRIAN
PO BOX 32
KUNA, ID 836340032
Source: GROUNDWATER
Diversion Pt:

SWNW Sec 27 T 01N R 01E in ADA County.
NWSW Sec 27 T 01N R 01E in ADA County.
(6,400 CFS)
(6,400 CFS)

Use: IRRIGATION
Total Diversion:
Date Filed: 7/22/1998
In: ADA County
T01N R01E S27

NENW NWNW SWNW SENW
NESW NWSW SWSW SESW

320.0 ACRES TOTAL

Applicant seeks a waiver from local processing moratorium based on source tributary to Snake River. Water bearing zone to be appropriated is 300 to 600 feet.

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

63-12476

WATKINS, DON
WATKINS, BRIAN
PO BOX 32
KUNA, ID 836340032
Source: GROUNDWATER
Diversion Pt:

NENW Sec 33 T 01N R 01E in ADA County
SESW Sec 33 T 01N R 01E in ADA County
(8,800 CFS)
(0.190 CFS)
(8,990 CFS)

Use: IRRIGATION
STOCKWATER
Total Diversion:
Date Filed: 9/9/1998
In: ADA County
T01N R01E S33
S35

NESW NESE NWSE
NESW NWSW SWSW SESW
NESE NWSE SWSE SESE

440.0 ACRES TOTAL

Applicant seeks a waiver from local processing moratorium based on source tributary to Snake River.

Water bearing zone to be appropriated is 300 to 600 feet.

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

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 MARCH 22, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Pub. Mar. 4, 11, 1999

3460

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MAR 22 1999

WATER RESOURCES
WESTERN REGION

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MAR 26 1999

Janice Hildreth, Idaho Statesman called Monday, February 22, 1999, at 8:15 a.m. She had been on vacation for a month and the people responsible for getting the legal ads in the paper didn't get 6 applications advertised on February 18 and 25. She will advertise them on March 4 and 11 with the protest date on March 22, 1999.

United Water, amendment

Julius Jeker, ext. of time.

City of Eagle, amendment

Lisa Gray, transfer

Don Watkins, app.

Don Watkins, app.

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APR 26 2001

Form No.
7/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHECKLIST OF REQUIREMENTS
LARGE DIVERSION SUPPLEMENTARY
ANALYSIS SHEET*

EFFECT ON EXISTING RIGHTS

- ☐ Yes ☒ No Springs/surface streams with 5 or less existing users
☐ Identify number of impacted rights
☐ Name and address of users
☐ Location of points of diversion
☐ Nature of use of the existing rights
- ☒ Yes ☐ No Groundwater
☒ Plat showing proposed well and any other wells &/or
springs within 1/4 mile radius
- ☒ Yes ☐ No Statement of design construction, or operation techniques
addressed which will be used to reduce impact on existing rights

SUFFICIENCY OF WATER SUPPLY

Water Requirements of Proposed Project

- ☒ Required diversion rate during peak use (Maximum rate)
☒ Required diversion rate during average use period
☐ Annual volume
☒ Season of use
☐ Volume to be consumptively used/year

Quantity of Water Available from Source

- ☒ Flow rates for surface water sources available during peak
and average water demand period
☒ Properties of aquifers
☒ Other sources available for supplementation

GOOD FAITH, DELAY OR SPECULATION

- ☐ Copies of deeds, leases, easements, and right-of-ways from _____
- ☐ Power applications affidavit form 205/206 is required
- ☐ Yes ☐ No Other needed permits, licenses, or approvals required. If
yes, _____

FINANCIAL RESOURCES

- New land will be incorporated into
existing farm operation*
- ☐ Current certified financial statement
☐ Financial commitment letter/financial statement from
committed party
☐ Project design/plans along with cost estimation to
complete project

*For applications of more than 5 cfs. or more than 500 AF.

LOCAL PUBLIC INTEREST

Requested by Terry Scanlon 1/8/99

Comments received from:

- | | | |
|--|---|--|
| ☐ City | ☐ Idaho Fish & Game | ☐ Irrigation District |
| ☒ County | ☐ Idaho Health & Welfare | ☐ Canal Company |
| ☐ Reservations | Division of Environment | ☐ Other _____ |

Project impacts/implications report

COMMENTS

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

January 29, 1999

Lori Graves
Sr. Water Resource Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

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FEB 01 1999

WATER RESOURCES
WESTERN REGION

see file for maps

Subject: Large Diversion Information -- Applications 63-12461 and 63-12470

Dear Lori:

In response to your letter to Don Watkins dated December 7, 1998, this letter provides additional information related to the above referenced applications for permits.

IDAPA 37.03.08.c.ii. A map locating the proposed wells relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed wells is enclosed. The applicant owns all four of the existing wells within one-half mile of the proposed wells. A search of the Department's water right and adjudication data bases found no licenses or permits (other than those owned by the applicant) with points of diversion within a one-half mile radius of the proposed wells.

A search of the well log files found one log (copy enclosed) for a domestic well not owned by the applicant that listed a place of use within one-half mile of a proposed well site. However, the tract listed (SWSW Section 22) is undeveloped rangeland with no visible structures, wells, or electrical transformers. I assume that the location listed on the log is incorrect.

IDAPA 37.03.08.c.ii. Applications 63-12461 and 63-12470 propose peak diversion rates of 6.4 cfs and 8.8 cfs for irrigation of up to 320 acres and 440 acres, respectively. Therefore, maximum diversion rate for the two permits is 15.2 cfs for irrigation of up to 760 acres. Assuming a maximum annual diversion of 4.5 acre feet per acre, the total allowable diversion rate under these applications would be 3,420 acre feet per year. Water use will occur during the irrigation season (3/15 to 11/15). Stockwater use (0.19 cfs) will be year-around. Consumptive use will be 2,660 acre feet or less, assuming 760 acres and 3.5 acre feet per acre maximum consumptive use.

An IDWR overlap analysis suggests that there is no acreage overlap for application 63-12461, but there is approximately 125 acres of overlap for 63-12470. The overlap includes 80 acres with A63-08435 and 45 acres with A63-07078A. The effect of the overlap will be to reduce the total diversion volume and consumptive use associated with the two applications.

IDAPA 37.03.08.c.ii. Anticipated well yields in the vicinity of the proposed well sites are shown by Ralston and Chapman on Figure 12 of Groundwater Resources of Southern Ada and Western Elmore Counties, Idaho (1970, Idaho Department of Reclamation Water Information Bulletin No.

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15.). This figure indicates that well yields in the vicinity of the Watkins property are anticipated to exceed 2,000 gpm (>4.4 cfs). Therefore, it appears that the proposed total diversion rate of 15.2 cfs from four wells is feasible.

Shane Bendixsen (Idaho Department of Water Resources) provided the enclosed hydrographs for wells in the area and the region. Well 01N01E-19ADB1 (approximately 2 miles northwest of the proposed diversion points) appears to be the closest well with a long-term (albeit intermittent) record. The hydrograph for this well suggests that 5 to 10 feet of water level decline has occurred since the mid 1970s. The 5 to 10 feet of decline at 01N01E-19ADB1 is similar to the amount of decline documented on hydrographs for wells located east of Kuna, such as wells 02N01E-36BBB1 and 02N02E-34CCD1. The declines may be related to groundwater development for irrigation purposes in the 1960s and 1970s.

I am hopeful that the data provided with this letter adequately fulfills the additional information requirements necessary for large diversion applications. Please contact me with any questions or comments, or if you need additional data.

Sincerely,



Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

Enclosures

Cc: Don Watkins

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APR 2 5 1999

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

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JAN 11 1999

WATER RESOURCES
WESTERN REGION

January 8, 1999

Ada County Commissioners
650 West Main Street
Boise, ID 83702

Subject: Request for Comment – Applications for Water Right Permits 63-12461 and 63-12470

Gentlemen:

On behalf of Don Watkins, this letter seeks comment from Ada County relative to the above referenced applications for water right permits. The two permit applications seek 15.2 cfs of groundwater for irrigation of 760 acres in southern Ada County. The lands are located at the southern end of Cloverdale Road, approximately 5 miles south of Kuna-Mora Road and 8 miles southeast of Kuna. Water right profile reports and a map are enclosed for reference purposes.

Please send any comments to Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho, 83705-5082, Attention: Lori Graves, Sr. Water Resources Agent. The comments should address the effect of the construction and operation of the project within the local area. If you have any questions, please feel free to contact me at 383-4140.

Sincerely,



Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

Enclosures

Cc: Don Watkins
Lori Graves

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JAN 20 1999

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DEC 28 1998

WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS

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

Name of Applicant

DON WATKINS

Mailing Address

P.O. Box 32

KUNA, Id. 83634

Application No.
(if known)

63-12461 + 63-12470

 IN LOCAL PUBLIC INTEREST

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

 PROPOSE MITIGATION NOW

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

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature

Don Watkins

Date

12-19-98

Please return this form to:

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

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DEC 21 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

December 7, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Don Watkins
PO Box 32
Kuna ID 83634

RE: APPLICATION FOR PERMIT #63-12461 & 63-12470

Dear Mr. Watkins:

You have filed the above referenced applications for permit to appropriate water for a consumptive use. If the appropriation is completed as described in the applications, it may result in some reduction in flows in the Snake River. As you are undoubtedly aware, various actions are being taken throughout the Snake River and Columbia River Basins to protect endangered and threatened anadromous fish. These actions include the acquisition of water supplies to maintain or enhance streamflows during migration periods.

Federal funds are being used to obtain the rights to both natural flow and stored water to augment flows in order to meet flow targets in the Snake and Columbia Rivers. While the necessity and value of flow augmentation has not yet been established, the State of Idaho has cooperated with the other states in the Pacific Northwest and with federal agencies to allow limited flow augmentation on a trial basis while additional data are gathered to determine the most appropriate way to stabilize and enhance fish populations.

Under Idaho law, an application to appropriate water cannot be granted unless the six criteria listed in Section 42-203A, Idaho Code, are satisfied. One of these criterion is that the proposed use must be in the "local public interest" where the local public interest is defined as "the affairs of the people in the area directly affected by the proposed use." If granting an application to appropriate would reduce flows in the Snake River such that additional water would have to be secured from other sources for flow augmentation, it may be difficult to show that granting the application would be in the local public interest. As a result, the Idaho Department of Water Resources (IDWR) has delayed processing applications which, without mitigation, may deplete flows in the Snake River.

Proposed appropriations of water, such as that described in your applications, may also have value with respect to the local public interest and should be given consideration, provided salmon recovery efforts would not be affected and the appropriations would not result in additional flow augmentation being required. Consequently, IDWR is processing applications to appropriate water when the applicant either:

- (1) can 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;

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APR 28 2001

December 7, 1998
Page 2

- (2) proposes adequate mitigation (or make-up water) as part of the proposed appropriation to offset anticipated depletions to flows in the Snake River during periods of anadromous fish migration; or
- (3) agrees to provide mitigation as needed in the future if it is determined that not mitigating depletions caused by the applicant's appropriation would result in additional water being required from other sources to augment flows during migration periods of anadromous fish.

The purchase or rental of storage water, which can be used for flow augmentation, may be the most available form of mitigation that could be used for mitigation, should mitigation be necessary. Under alternative 3 above, mitigation is not required when the applications are processed, but may be required in the future based upon a finding by IDWR that depletions to Snake River flows resulting from appropriations made under permits issued after January 1, 1998 have increased the amounts of water required from other sources to augment flows for migrating anadromous fish. This alternative would entail including the following condition of approval if the applications for a permit to appropriate water are approved:

The Director retains jurisdiction over these permits and any subsequent licenses to require the right holder to provide purchased or leased water from natural flow or storage, or other mitigation acceptable to the Director, to offset depletion of Lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is 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 and any subsequent license.

For applications where one of the three conditions listed above is met, and the application is otherwise of proper form, IDWR will process the application. Alternatively, an applicant may choose to have IDWR continue to delay processing an application for permit until a later date. In that case, IDWR can hold your applications pending changes in salmon recovery strategies, such as the potential elimination of flow augmentation requirements, and corresponding changes in IDWR policies. The priority date (seniority) of the proposed appropriation is protected for applications held because of IDWR policies. If you choose to have IDWR continue to hold your applications at this time, you do not need to reply to this letter.

Please contact me if you have any questions about your applications.

Sincerely,



Lori Graves
Sr. Agent

Enclosures

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APR 26 1999



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

December 7, 1998

Don Watkins
PO Box 32
Kuna ID 83634

RE: Application for Permit #63-12461 & 63-12470 Large Diversion Requirements

Dear Mr. Watkins:

Applications for Permit #63-12461 and 63-12470 were received in June and September of this year and will be advertised and processed once the enclosed request to process forms are received but cannot be approved until additional information is submitted.

Pursuant to Idaho Code 42-203A(5)(a-e) and 42-203C(2), additional information is needed for applications for permit involving irrigation of more than 200 acres and/or diversions exceeding 5.00 cfs or 500 acre-feet of storage. Required information relating to the proposed water right, as outlined in the attached copy of Water Appropriation Rules 37.03.08.05.c through g, covers the following items:

- c) effect on existing water rights,
- d) sufficiency of water supply,
- e) good faith, delay, or speculative purposes,
- f) financial resources, and
- g) local public interest.

The local public interest criteria may be met by soliciting comment letters from the Ada County Board of Commissioners. Comment should address the effect of the construction and operation of the project within the local area.

You may summarize any of the answers with a brief statement where appropriate.

To avoid further delays, please submit the above information as soon as possible to our Western Region office, at the above address. Let me know if I can be of any assistance.

Sincerely,

Lori Graves
Sr. Water Resource Agent
Enclosures

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DEC 15 1998

63-12470

WATKINS, DON
WATKINS, BRIAN
PO BOX 32
KUNA, ID 836340032

Source: GROUNDWATER

Diversion Pt: NENW Sec 33 T 01N R 01E in ADA County.
 SENW Sec 33 T 01N R 01E in ADA County.

Use: IRRIGATION (8.800 CFS)
 STOCKWATER (0.190 CFS)
 Total Diversion: (8.990 CFS)

Date Filed: 9/ 9/1998

In: ADA County					
T01N R01E S33	NESW	NESE	NWSE		
S35	NESW	NWSW	SWSW	SESW	
	NESE	NWSE	SWSE	SESE	

440.0 ACRES TOTAL

Applicant seeks a waiver from local processing moratorium based on source tributary to Snake River.
Water bearing zone to be appropriated is 300 to 600 feet.
Applicant agrees to mitigate consumptive use in the future as needed.

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SEP 12 1998

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 MARCH ~~8~~²², 1999. The protestant must also send a copy of the protest to the applicant.

Published: ⁹⁻⁴ 2/18/1999 & ³⁻¹¹ 2/25/1999

KARL J. DREHER, Director

statesman error

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APR 26 2000