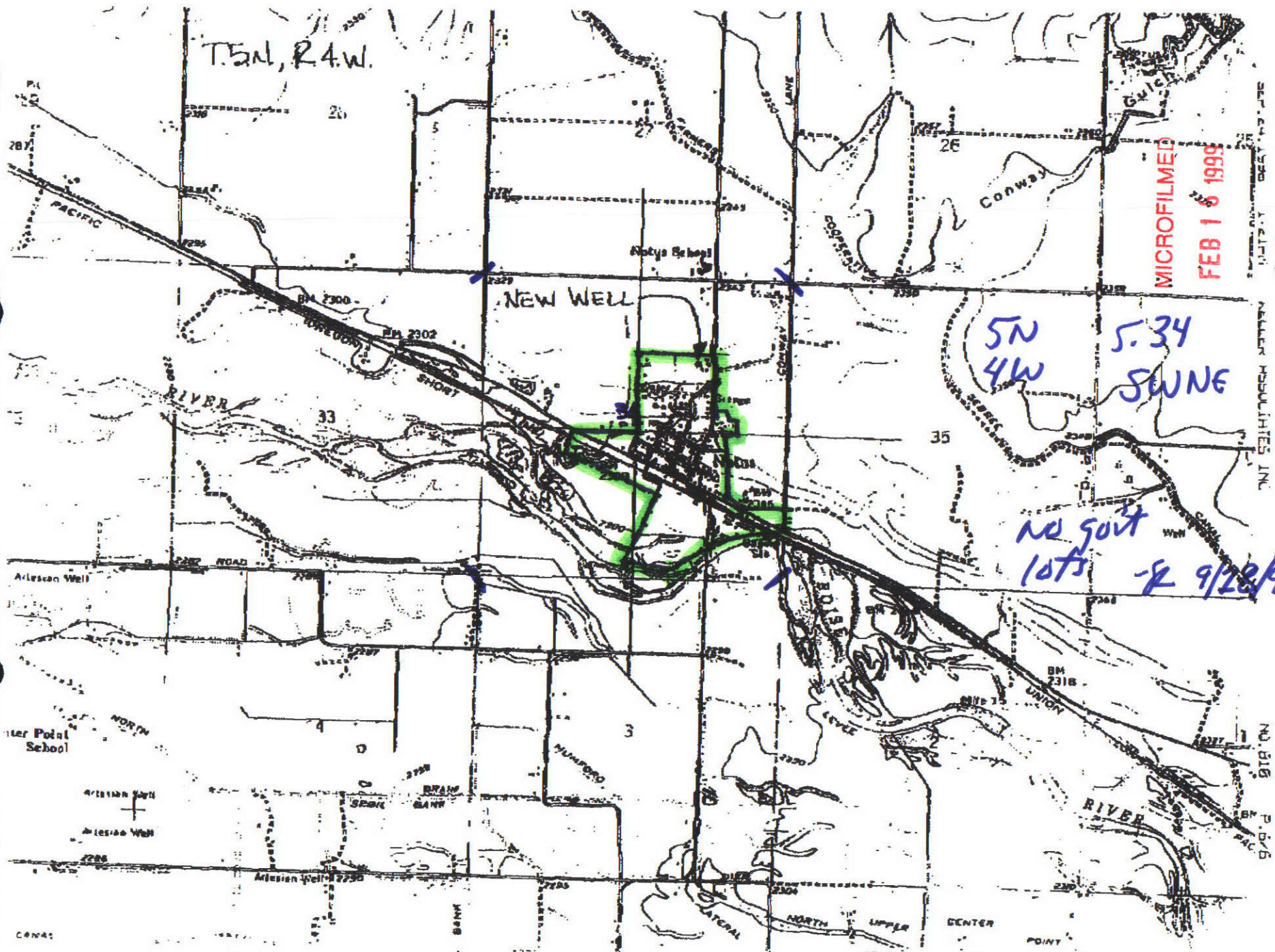




CITY LIMITS Per Topo map.

MICROFILMED
FEB 16 1999

5N
4W
5.34
SWNE

NO 50ft
lots
- 9/28/98

63-12467

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN - 3 2002

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 63-12467 Telephone No. 208-459-6212
2. Name of Permit Holder(s): City of Notus
3. Mailing Address: P.O. Box 257
City Notus State ID Zip 83656
4. Source of Water: groundwater If **GROUNDWATER** (well), Date Drilled: mo. 6 / yr. 99
Well Driller: Riverside, Inc. Drilling Permit Number: 63-98-W-0641-000
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: municipal
6. Total rate of diversion and/or volume for which proof is submitted: 2.22 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes x or No _____
Has the measuring device been installed? Yes x or No _____
8. Fee Enclosed: \$ 150.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: John Elliott Telephone Number: cell 880-0202
Address: City of Notus 375 Notus Rd. P.O. Box 257 Notus, ID 83656
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Linda Lander Clerk Date: 12-31-01
(include your title, if on behalf of company of organization)

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FEB 27 2002

RECEIVED

FEB - 9 2000

Department of Water Resources

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

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

Permit No. 63-12467

Name(s) of Permit Holder: City of Notus

Address: P.O. Box 257 City Notus State ID Zip 83656

Telephone No. (208) 459-6212 Date Proof is Due: February 1, 2000

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

Administrative work has been expended for the funding, land acquisition, correlation, bidding and awarding of the project. Bid documents and design specs have been carefully put together to ensure a successful project in Notus. To prepare these documents, much effort has been expended. On July 12, 1999, the drilling of the well was complete. Appraisals, surveying and water quality testing have been done. Costing \$ 247,459.16

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

Lack of funding and high bids forced a down-sizing of the scope of work for the water improvements in Notus. A record set of bid documents was created and the approval, bidding and awarding of the project was done again. Permits for crossings and land acquisition also impeded the completion of the work on this project.

Permit holder(s) request an extension to August 1, 2001


(Signature)*

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

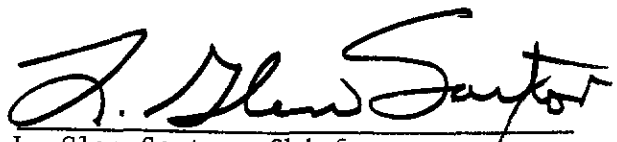
ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be REINSTATED with the priority advanced to September 12, 1998. IT IS FURTHER ORDERED that the time within which to submit proof of beneficial use is extended to February 1, 2002.

Signed this 6th day of March

MICROFILMED

MAR 20 2000


L. Glen Saxton, Chief
Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-12467

Proposed Priority: September 4, 1998 Maximum Diversion Rate: 2.22 CFS

This is to certify, that CITY OF NOTUS

PO BOX 257

NOTUS ID 83656-0257

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>
-----------------------	----------------------	--------------------------

MUNICIPAL	01/01 to 12/31	2.22 CFS
-----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 34, Township 05N, Range 04W
CANYON County

PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 2000.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
7. The issuance of this right does not grant any right-of-way or easement across the land of another.

MICROFILMED

JUN 16 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

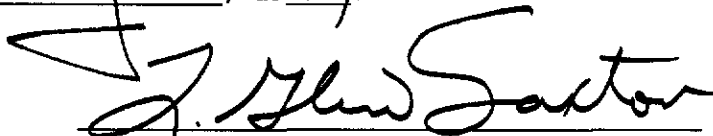
NO. 63-12467

CONDITIONS OF APPROVAL AND REMARKS

8. Place of use is located within the city limits of Notus and surrounding service area.
9. Water bearing zone to be appropriated is from 300 to 700 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

9th day of February, 1999.


for
Karl J. Dreher, Director



MICROFILMED

APR 16 1999

RECEIVED

SEP 04 1998

FORM 202

2/96

WATER RESOURCES
WESTERN REGIONIdent. No. 63-12467

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant CITY OF NOTUS, IDAHO Phone (208) 459-6212
Mailing address P.O. Box 257, NOTUS ID 83656
2. Source of water supply GROUNDWATER which is a tributary of N/A
3. Location of point of diversion is Township 5N Range 4W Sec. 34, in the NE 1/4, SW 1/4, NE 1/4, Govt. Lot _____, B.M., CANYON County; additional points of diversion if any: —
4. Water will be used for the following purposes:

Amount <u>2.22</u> for <u>MUNICIPAL</u>	purposes from <u>JAN. 1</u> to <u>DEC. 31</u>	(both dates inclusive)
(cfs or acre-feet per annum)		
Amount _____ for _____	purposes from _____ to _____	(both dates inclusive)
(cfs or acre-feet per annum)		
Amount _____ for _____	purposes from _____ to _____	(both dates inclusive)
(cfs or acre-feet per annum)		
Amount _____ for _____	purposes from _____ to _____	(both dates inclusive)
(cfs or acre-feet per annum)		
Amount _____ for _____	purposes from _____ to _____	(both dates inclusive)
(cfs or acre-feet per annum)		
Amount _____ for _____	purposes from _____ to _____	(both dates inclusive)
(cfs or acre-feet per annum)		
5. Total quantity to be appropriated is (a) 2.22 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source 40 Hp MOTOR & PUMP TO NEW STEEL RESERVOIR & EXISTING DISTRIBUTION SYSTEM
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 18 inches; proposed depth of well is 700 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 TO BE BID
Well was drilled for (well owner) _____; Drilling Permit No. 63-98-W-0641-000 *
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. CITY OF NOTUS, ID
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

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FEB 16 1999

* D.P. pending

-82 9/16/98

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.

Original d'entry had these QCE's, deleted per DMR standards. -JC

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	4W	34																M	
5N	4W	27		M	M	M				M	M	M			M	M	M	M	

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. WELL 1 - NO KNOWN RIGHT; WELL 2 - 63-3075, 1.2 cfs; WELL 3 - 63-12189, 1.5 cfs

11. a. Who owns the property at the point of diversion? CITY OF NOTUS

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

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

12. Remarks: THIS IS TO BE A NEW WELL FOR THE CITY OF NOTUS. THE CITY IS SEEKING BETTER QUALITY WATER AS WELL AS ADDITIONAL CAPACITY FOR FIRE FIGHTING DEMANDS.

See d'base version for processing Remarks based on applicant's 9/28/98 fax letter.

-JC
9/29/98

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Chad R. Roman, CITY ENGINEER
Signature of Applicant (and title, if applicable)

Received by Kb Date 9/4/98 Time 11:18 Preliminary check by JL
Fee \$ 14000 Receipted by KL # W024353 Date 9/4/98
Publication prepared by ST Date 10/7/98 Published in Press-Tribune on 10/15 & 22/98
Publication approved ST Date 11/9/98

MICROFILMED
FEB 16 1999

Comments: Date: 9/28/1998 User-ID: SLESTER

Subject: ADDITIONAL INFORMATION

APPLICANT'S: Well location and water bearing zone provided in applicant's 9-28-98 fax reply. Applicant also indicated per "request to process" form that local public interest should be defined as narrow rather than broader scope to make this filing approvable without future mitigation requirements.

IDWR: No future growth/planning horizon intent found in this filing. Applicant's 9-28 letter about local public interest does not appear to demonstrate that mitigation condition should be omitted.

MICROFILMED

FEB 1 8 1999



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

March 20, 2002

KARL J. DREHER
Director

CITY OF NOTUS
PO BOX 257
NOTUS ID 83656

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-12467

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Western** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED

MAR 21 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 63-12467

Reviewed By: dgibson

Date: March 19, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:	63-98-W-0641-000	
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	C059075		Well driller's report filed?	X	
Additional Amount Due:			Measuring device required?	X	
Name and address same as permit?	X		Measuring device installed?	X	
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	01/09/2002
Date proof due	- 02/01/2002
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 09/04/1998
New priority date	= 09/04/1998

Deficiencies of Actions Items

Acknowledge proof.

November 30, 2001

CITY OF NOTUS
PO BOX 257
NOTUS, ID 836560257

PROOF DUE NOTICE

RE: PERMIT NO. 63-12467

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

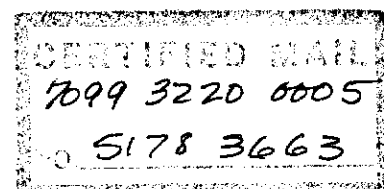
Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

MAR 27 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 6, 2000

CITY OF NOTUS
PO BOX 257
NOTUS ID 83656

RE: PERMIT NO. 63-12467

Dear Permit Holder:

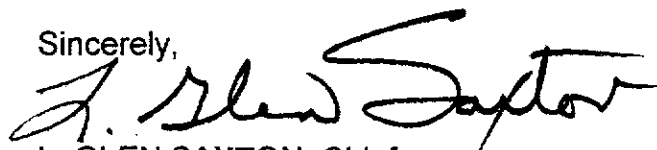
Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the proof due date to **February 1, 2002**. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of the development during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

Be advised that since the extension request was received after the proof due date, it was necessary for the department to reinstate the permit and advance the date of priority to September 12, 1998.

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

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

Sincerely,


L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

MAR 20 2000

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 63-12467 Reviewed by NLS Date 3-1

BASIC INFORMATION

yes Date stamp received
No Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
yes Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
 Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? Requested?
 Is delay by a government agency?
Is supporting documentation needed to complete the file? Requested?
 Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

① Reinstate, ② advance priority,
③ Set new proof due date.

PRIORITY CALCULATION

Date extension received 2-9-00 =
Proof due date 2-1-00 =
Number of days late = 8
Priority date =
New Priority Date Sept 12, 1998 =

DATA ENTRY

New Address
Change Proof Due Date 2-1-02
Change Priority Date Sept 12, 1998

3/1/00
dls

MAR 20 2000

February 2, 2000

CITY OF NOTUS
PO BOX 257
NOTUS ID 836560257

LAPSE NOTICE

RE: PERMIT NO. 63-12467

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated November 30, 1999. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

MICROFILMED

MAR 20 2000

2/2/00
dDe

November 30, 1999

CITY OF NOTUS
PO BOX 257
NOTUS ID 836560257

PROOF DUE NOTICE

RE: PERMIT NO. 63-12467

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 2000. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

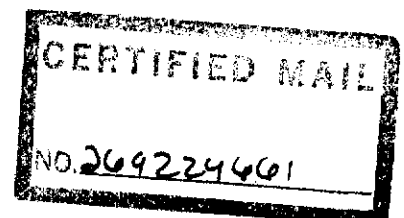
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

MAR 20 2000



IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only

Inspected by _____
Twp _____ Rge _____ Sec _____
_____ 1/4 _____ 1/4 _____ 1/4
Lat: : : Long: : :

1. WELL TAG NO. D 000 9380
 DRILLING PERMIT NO 63-98-W-0641-000
 Other IDWR No. 63-12467

2. OWNER:
Name City of Natus, Idaho
Address P.O. Box 257
City Natus State ID Zip 83456

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N
 W E S
 Twp. 5 North ☒ or South ☐
 Rge. 4 East ☐ or West ☒
 Sec. 34 1/4 SW 1/4 NE 1/4
 Gov't Lot _____ County Canyon 10 acres 40 acres 160 acres
 Lat. : : Long. : :
 Address of Well Site 207 Notas
 City _____
 (Give at least name of road + Distance to Road or Landmark)

Lt.	Blk.	Sub.	Name
-----	------	------	------

4. USE:

☐ Domestic ☒ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☐ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other *Reverse*

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Bentonite 5"	0	180	42500#	Overbore
ESS7 Sand	190	280'	13500#	overbore
Bentonite 3"	290'	595'	27500#	Overbore

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s) _____
Was drive shoe seal tested? ☐ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
18"	+3	180'	.775	Steel	☒	☐	☒	☐
10"	120	205	.368	Steel	☒	☐	☒	☐
10"	235'	245'	.369	Steel	☒	☐	☒	☐

Length of Headpipe 35' Length of Tailpipe 10'

9. PERFORATIONS/SCREENS

Perforations

Method 5.5.

Screens

Screen Type Tehasen wrap

From	To	Slot Size	Number	Diameter	Material	Casing	Line
205	215	1025		10"	SS.	☒	☐
215	225	1035		10"	SS.	☒	☐
225	235	1025		10"	SS.	☒	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE: MICRO.

16 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or
control devices: 2" access

11. WELL TESTS:

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
500	126'	142'	3 days

Water Temp. **59°** Bottom hole temp.

Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

[illegible]

Completed Depth 245' (Measurable)
Date: Started 4-16-99 Completed 7-2-99

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Riverside Inc. Firm No. 333

Firm Official _____ Date _____

Driller or Operator *[Signature]* Date *7-12-99*

(Sign once if Fun Official & Operator)

FORWARD WHITE COPY TO ~~WATER~~ RESOURCES



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

February 10, 1999

CITY OF NOTUS
PO BOX 257
NOTUS ID 83656-0257

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12467

Dear Permit Holder:

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

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

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

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

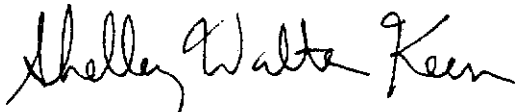
Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit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

MICROFILMED

FEB 16 1999

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

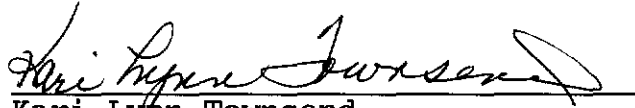
FEB 16 1993

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of February, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 63-12467

CITY OF NOTUS
PO BOX 257
NOTUS ID 83656-0257


Kari Lynn Townsend
Secretary

MICROFILMED

FEB 15 1999

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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FEB 16 1998

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindylan*
 No.: 63-12467 Name: Notus Date: 2/5/99 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN:

- No/Yes:
- BRD
- Mor /
- GWMA / Trust / Non-trust
-
- 020 (Protest Agreement) or *W19 (Order)

PROTESTED:

SYSTEM COMPLETED:

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

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT:

- All wells (✓ WDQ3) -
- 046-P23
-
- In Basin 34? - 085
-
- Irr. within WD - P05 (new well location)
-
- WMD (✓ MAP) - North / East / West
-
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
-
- ≤ 0.24 cfs/5 acres - No MD
-
- WMD Supp irr use only - 065-079-102 (if GW use SW)-(keep SW)-(GW not primary irr source)
-
- Supp. irr + uses - 100-101-102
-
- > 0.24 cfs/5 acres -
- 046
- (report when notified)
-
- ≤ 0.24 cfs/5 acres - No MD

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

- FISH & GAME CONTACTED: - Yes / No; WHEN: _____ RESPONSE: _____
-
- IN/ABOVE MIN. STR. FLOW (✓ MAP) - *WB9
-
- IN-STREAM DEVELOPMENT - P52 (stream channel alteration)
-
- WD (✓ MAP & LISTING) - R04 (WD # _____)
-
- > 0.10 cfs - 01J-P08 (MD & LD)
-
- ≤ 0.10 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
-
- WMD (✓ MAP)
-
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
-
- ≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

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

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22 -P04, NA
-
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
-
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
-
- Salmon R (70's) - 029 (fish screens), NA
-
- Weiser R (67) - 086, 087

USE:

- Storage (✓3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA
-
- Irr ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
-
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
-
- Stockwater - R37 (BLM/USFS); NA
-
- Mining - 054(req) -081-P10
-
- Fish Propagation - 029(70's only)-007-042(req)-081 (WQ)-P10
-
- Heating/Cooling - R07 (injection well)
-
- Power - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);
-
- 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
-
- Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
-
- Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
-
- >1 in rest. area - 071-070
-
- Fire Protection - 077

LOCATION:

- Boise Front LoGeo - 058 (<85° GW temp only)
-
- Mitigation -
- 12
-
- 42-248 area -
- P84
- (in 20/30/40/50/60/70/80 (87) basin)

SWAN FALLS FLAG (See Code Chart)

- Trust - 051-052-053-P74 (Consumptive Uses), NA
-
- Non-Trust (1) - 048-049 (Consumptive Uses), NA
-
- 004 (PD/PU)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

 - 046
 - 2 /1/ 2000

MEMORANDUM

DATE: February 5, 1999
TO: File No. 63-12467
FROM: Cindy Zimmerman *3.*
RE: Status of municipal use

Section 42-202(2) of the Idaho Code states that "an application proposing an appropriation of water by a municipal provider for reasonably anticipated future needs" must be accompanied by documentation related to the service area, planning horizon, etc.

Because this application does not include any of the special documentation, nor does it indicate in any way that it proposes an appropriation for reasonably anticipated future needs, it should not at any time be interpreted as such.

MICROFILMED

FEB 16 1999

FEB 05 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

INITIAL REVIEW BY: JL DATE: 9/16/98 APPLICATION: 83-12467

REQUIRED INFORMATION

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

Gov't. Lots:
N P/D
P/U

ADDITIONAL INFORMATION

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

N/A T FLAG CHANGED TO P FLAG

YES NO

☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
☒ Overlapping point of diversion.
☐ Critical groundwater area:
☐ Groundwater management area:
☐ 1992 moratorium:
☐ Bull trout impact area
☐ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
☐ E-mail to Dam Safety staff: (for any storage)
☒ Mitigation plan: Check any that apply.
☒ N/A immediate = acceptable plan required and submitted.
☐ NO future = open areas, acceptance of condition of approval is in file.
☐ Send power requirement letter:
☐ Send 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

see next pg. 5
Request to Process
taken 9/28/98
/kth

"Request to process" form (consumption use), water bearing zone, map

Date Requested 9/16/98

Date Response Received response = fax letter 9/28/98

PROCESSING

APP. NO.

63-12467

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 11-2-98

☐ ☒ Protests received.

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☐ ☒ Measuring port required:

☐ ☒ Water delivered by water master? District # _____

☒ ☐ Special conditions of approval or cover letter: 046, 120

gary
Issues raised here

① future mitig.
needed

② limit so no
large parcel
may etc.
("42-111 cap")

I think both
apply in this case.

-82

See below for additional information

Recommended Date or Priority 9/4/98Recommended by: garyDate: 1/29/99

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

City has other mini rights for other wells.
 Mitigation & cons. use re anadromous fish flows: Applicant's 9/28 letter's
 Request to process from master Agreement that city's local public interest
 overrules larger public interest. I am not convinced. Recommend denial of
 Appl. unless future mitigation cond. is included. Director's letter & this does
 not exempt mini use from this factor. Mini use should also have "42-111
 cap".

RECEIVED

FEB 05 1999

Department of Water Resources

REQUEST TO PROCESS

RECEIVED

JAN 29 1999

WATER RESOURCES
WESTERN REGION

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

Name of Applicant

CITY OF NOTUS

Mailing Address

P.O. BOX 257

NOTUS, IDAHO 83656

Application No.
(if known)

63-12467

 IN LOCAL PUBLIC INTEREST

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

 PROPOSE MITIGATION NOW

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

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature



Date

1-26-99

Please return this form to:

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

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FEB 16 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

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

January 12, 1999

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

HONORABLE S PAUL THOMAS
MAYOR CITY OF NOTUS
PO BOX 257
NOTUS ID 83656

Re: Application for Water Right No. 57-07665; Public Interest Considerations

Dear Mayor:

The City of Homedale filed application for water right no. 57-07665 with the Idaho Department of Water Resources (IDWR) in September, 1998. Notice of the application was published in the local newspaper and was not protested. I am reviewing the application to determine whether it should be approved.

You returned a questionnaire form to IDWR titled "Request to Process." A copy of the form is enclosed. The form poses three (3) alternative choices, and IDWR asks that the applicant choose one of the alternatives for processing the application. The City of Homedale chose alternative one, which reads as follows: "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."

By choosing the public interest alternative, the City of Homedale assumed the burden of submitting information to show that the public value of its application outweighs or supersedes the public value of providing water for anadromous fish flow augmentation.

A letter sent to Chad Coleman, City Engineer, on September 16, 1998, described the additional public interest requirements. The letter stated in part:

If granting an application to appropriate water 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 the application would be in the local public interest. . . .

Proposed appropriations of water, such as that described in your application, 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 appropriation would not result in additional flow augmentation being required. Consequently IDWR is processing applications to appropriate water when the applicant . . . :

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FEB 16 1999

Honorable S. Paul Thomas
Mayor, City of Notus
January 12, 1999
Page -2-

(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;

IDWR must balance the public interest of a community needing water against the loss of other public interest values if additional water must be acquired because of depletions caused by the city's additional diversion of water. The letter you wrote generally describing the needs of the community is too general for IDWR to properly weigh public interest values. Information should be submitted to IDWR regarding the present capacity of the municipal water system, the present demands for water, the future anticipated needs of the community, efforts to conserve water, alternative sources of water supply for municipal use (particularly for lawn watering), and an analysis of the depletion of flows to the Snake River caused by the proposed appropriation. Please submit this information within thirty (30) days of the date of this letter.

Another alternative is for the city to agree that it will mitigate for losses for anadromous fish flows in the future, if necessary. I am enclosing a blank copy of the form if the city wants to reconsider its position.

Respectfully,


Gary Spackman

GS:st

CC: Chad Coleman, City Engineer, City of Notus, PO Box 257, Notus, ID 83656

Enclosures

cc: Steve, Glen, Norm, Jim J.

MICROFILMED

FEB 16 1999

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12467

CITY OF NOTUS

PO BOX 257

NOTUS, ID 83656

Source: GROUNDWATER

Diversion Pt: NESWNE Sec 34 T 05N R 04W in CANYON County.

Use: MUNICIPAL

Total Diversion:

(2.220 CFS)
(2.220 CFS)

Date Filed: 9/ 4/1998

00

Water bearing zone to be appropriated is from 300 to 700 feet for a new well for the City of Notus. Applicant intends to show that local public interest for consumptive use portion of new use outweighs the need to preserve flows in the Snake River during anadromous fish migrations.

63-12474

CITY OF NAMPA

411 THIRD ST S

NAMPA, ID 83651

Source: GROUNDWATER

Diversion Pt: NWNWNE Sec 2 T 02N R 02W in CANYON County

Use: MUNICIPAL

Total Diversion:

(3.500 CFS)
(3.500 CFS)

Date Filed: 10/ 1/1998

In: CANYON County

T02N R02W S02

NWNE

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 NOVEMBER 2, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

October 15, 22, 1998

7806

RECEIVED
OCT 23 1998
WATER RESOURCES
WESTERN REGION

MICROFILMED

FEB 10 1999

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO)
) SS.
 County of Canyon)

OCT 23 1998

WATER RESOURCES
 WESTERN REGION

Carolyn Roberson

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

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

Twice

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

4. That said notice was published the following dates:

October 15 and 22, 1998

Carolyn Roberson

STATE OF IDAHO)
)
 COUNTY OF CANYON)

On this 22nd day of October
 in the year of 1998 before me, a Notary
 Public, personally appeared Carolyn Roberson
 known or identified to me to be the person whose
 name subscribed to the within instrument, and being
 by me first duly sworn, declared that the statements
 therein are true, and acknowledged to me that he/she
 executed the same.

MICROFILMED

FEB 16 1999

Jeanne L. L.
 Notary Public for Idaho
 Residing at Nampa

MY COMMISSION EXPIRES
 JUNE 21ST, 2003



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

October 7, 1998

ID DEPT OF HEALTH & WELFARE
DIV OF ENV QUALITY
BOISE REGIONAL OFFICE
PO BOX 83720
BOISE ID 83706

Re: Applications for Permit Nos. 63-12474 in the Name of the City of Nampa and 63-12467 in the Name of the City of Notus

Dear Sir:

Enclosed are copies of the above-referenced applications for permit which may be of interest to your agency. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by November 2, 1998.

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

Sincerely,

A handwritten signature in cursive script, reading 'Gary Spackman'.
Gary Spackman

GS:st

Encl.

MICROFILMED

FEB 16 1999

CITY OF NOTUS

375 NOTUS ROAD
P.O. BOX 257
NOTUS, IDAHO 83656
(208) 459-6212

RECEIVED

SEP 29 1998

WATER RESOURCES
WESTERN REGION

MAYOR

S. Paul Thomas

CITY CLERK

Linda Landis

CITY COUNCIL

Linda Gantz

Kelvin Hutchison

Randall A. Taylor

Nathan Wells

September 28, 1998

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

Re: Application No. 63-12467

Dear Mr. Lester:

The City of Notus (the "City") is in receipt of your letter dated September 16, 1998, addressing processing issues raised by Application No. 63-12467. The City provides this letter in response to the questions raised. This letter is intended as an amendment to the original application and can be attached thereto as an extension to section 12 if necessary. Enclosed please find a completed copy of the "Request to Process" form as well as a copy of a 7.5 minute series quad map depicting the exact location of the proposed well site at T5N R4W S34 NESWNE.

You attached a note asking for specification of the water bearing zone to be developed. As you are likely aware, precise definition of this zone is difficult at this time. One rationale for the proposed well is to access a dependable water source of better quality than the existing wells in the area, and the City Engineer suspects that this may necessitate drilling deeper than existing wells, which are typically 300-400 feet deep. It may not be necessary to develop depths to 700 feet as proposed in the application, but the basic strategy is to access water bearing zones that are not presently developed. This explanation should provide the Department with sufficient information regarding source for publication purposes.

See notes on 9/28 fax copy

RECORDED - 92
FEB 18 1999

63-12467

Mr. Steve Lester

9-28-98

Page 2

The City has selected option 1 on the Request to Process form. As an initial matter, we believe that Idaho Code subsection 42-203A(1) places a mandatory duty on the Department to prepare and publish notice "upon receipt of an application". In other words, the determination as to whether an application is in the local public interest is a discretionary decision, but the need to conduct this discretionary analysis does not relieve the Department of its ministerial duty to prepare and publish notice upon receipt of an application. The City wishes to have its application processed expeditiously, as the quality and integrity of the City's water system is potentially affected by any delay.

To amend and further define the City's application regarding conformance with the local public interest, the proposed development is necessary in order to adequately advance health and safety concerns imposed upon the City by Title 50 of the Idaho Code and applicable federal law. Specifically, the City requires the proposed development in order to ensure dependable capacity, to enhance the quality of the City's water supply, and to guarantee minimum volume and pressure necessary for fire protection purposes. The water to be developed will be used for domestic and other municipal purposes. While this is consumptive use, much of this water will be returned to the river system through the City's municipal water treatment system. According to information compiled by the City's Project Engineer, municipal systems of this type generally show return volumes of water ranging between 60-85 percent. The local public interest, expressly defined by subsection 42-203A(5)(e) as "the affairs of the people in the area directly affected by the proposed use..." will be advanced by the proposed use. The proposed development will not conflict with the local public interest.

We trust this information will allow you to continue processing the City's application. If you have further questions or require additional information, please contact the City and we will make every effort to address those concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "S. Paul Thomas".

S. Paul Thomas
Mayor

Encs.

MICROFILMED

FEB 16 1999

REQUEST TO PROCESS

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

Name of Applicant City of Notus
Mailing Address PO Box 257
Notus ID 83656
Application No. 63-12467
(if known)

☒ IN LOCAL PUBLIC INTEREST

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

☐ PROPOSE MITIGATION NOW

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

☐ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature

Steven Paul Shaw

Date

9-28-98

Please return this form to:

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

MICROFILMED
FEB 16 1999

CITY OF NOTUS**375 NOTUS ROAD****P.O. BOX 257****NOTUS, IDAHO 83656****(208) 459-6212****MAYOR**

S. Paul Thomas

CITY CLERK

Linda Landis

CITY COUNCIL

Linda Gantz

Kelvin Hutchison

Randall A. Taylor

Nathan Wells

September 28, 1998

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

Re: Application No. 63-12467

Dear Mr. Lester:

The City of Notus (the "City") is in receipt of your letter dated September 16, 1998, addressing processing issues raised by Application No. 63-12467. The City provides this letter in response to the questions raised. This letter is intended as an amendment to the original application and can be attached thereto as an extension to section 12 if necessary. Enclosed please find a completed copy of the "Request to Process" form as well as a copy of a 7.5 minute series quad map depicting the exact location of the proposed well site at T5N R4W S34 NESWNE.

You attached a note asking for specification of the water bearing zone to be developed. As you are likely aware, precise definition of this zone is difficult at this time. One rationale for the proposed well is to access a dependable water source of better quality than the existing wells in the area, and the City Engineer suspects that this may necessitate drilling deeper than existing wells, which are typically 300-400 feet deep. It may not be necessary to develop depths to 700 feet as proposed in the application, but the basic strategy is to access water bearing zones that are not presently developed. This explanation should provide the Department with sufficient information regarding source for publication purposes.

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"12" = Appl.
Remarks

ok if
means
300'-700'

Mr. Steve Lester
9-28-98
Page 2

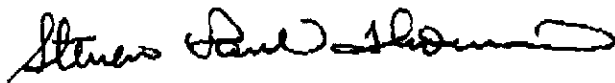
The City has selected option 1 on the Request to Process form. As an initial matter, we believe that Idaho Code subsection 42-203A(1) places a mandatory duty on the Department to prepare and publish notice "upon receipt of an application". In other words, the determination as to whether an application is in the local public interest is a discretionary decision, but the need to conduct this discretionary analysis does not relieve the Department of its ministerial duty to prepare and publish notice upon receipt of an application. The City wishes to have its application processed expeditiously, as the quality and integrity of the City's water system is potentially affected by any delay.

To amend and further define the City's application regarding conformance with the local public interest, the proposed development is necessary in order to adequately advance health and safety concerns imposed upon the City by Title 50 of the Idaho Code and applicable federal law. Specifically, the City requires the proposed development in order to ensure dependable capacity, to enhance the quality of the City's water supply, and to guarantee minimum volume and pressure necessary for fire protection purposes. The water to be developed will be used for domestic and other municipal purposes. While this is consumptive use, much of this water will be returned to the river system through the City's municipal water treatment system. According to information compiled by the City's Project Engineer, municipal systems of this type generally show return volumes of water ranging between 60-85 percent. The local public interest, expressly defined by subsection 42-203A(5)(e) as "the affairs of the people in the area directly affected by the proposed use..." will be advanced by the proposed use. The proposed development will not conflict with the local public interest.

doesn't sound convincing to me -

We trust this information will allow you to continue processing the City's application. If you have further questions or require additional information, please contact the City and we will make every effort to address those concerns.

Sincerely,



S. Paul Thomas
Mayor

Encs.

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FEB 16 1999

REQUEST TO PROCESS

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

Name of Applicant

City of Notus

Mailing Address

PO Box 257Notus ID 83656Application No.
(if known)63-12467☒**IN LOCAL PUBLIC INTEREST**

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

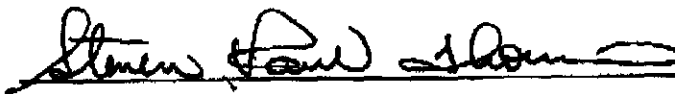
PROPOSE MITIGATION NOW

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

WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature



Date

9-28-98

Please return this form to:

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

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FEB 16 1999

FAX COVER SHEET

City of Notus
375 Notus Rd.
P.O. Box 257
Notus, ID 83656
(208)459-6212

Date: 9-28-98This FAX is directed to: Steve Luster

Please notify this person they have been sent a FAX.

Company: Idaho Dept. of Water ResourcesBusiness Phone: 334-2190 FAX Phone: 334-2348Number of pages sent, including cover sheet, is: 5Regarding: Notus App. 63-12467

Comments or instructions: _____

This FAX has been sent by: _____

FAX number for City of Notus is 208-459-6212

Copy to follow by mail: Yes: X No: _____

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FEB 16 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

September 16, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CHAD COLEMAN CITY ENGINEER
CITY OF NOTUS
PO BOX 257
NOTUS ID 83656

RE: APPLICATION FOR PERMIT NO. 63-12467

Dear Applicant:

You have filed the above referenced application for permit to appropriate water for a consumptive use. If the appropriation is completed as described in the application, 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 application, 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 appropriation 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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FEB 18 1999

- (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 application is 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 application for a permit to appropriate water is approved:

The Director retains jurisdiction over this permit and any subsequent license 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 application 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 application at this time, you do not need to reply to this letter.

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

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

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FEB 16 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

OCTOBER 7, 1998

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

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before NOVEMBER 2, 1998.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

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FEB 16 1999

NOTICE OF APPLICATION FOR WATER RIGHT

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

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FEB 16 1993

63-12467

CITY OF NOTUS
PO BOX 257
NOTUS, ID 83656

Source: GROUNDWATER

Diversion Pt: NESWNE Sec 34 T 05N R 04W in CANYON County.

Use: MUNICIPAL	(	2.220 CFS)
Total Diversion:	(	2.220 CFS)

Date Filed: 9/ 4/1998

00

Water bearing zone to be appropriated is from 300 to 700 feet for a new well for the City of Notus. Applicant intends to show that local public interest for consumptive use portion of new use outweighs the need to preserve flows in the Snake River during anadromous fish migrations.

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FEB 15 1999

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 NOVEMBER 2, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 10/15/1998 & 10/22/1998

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FEB 16 1999

Note that D. P. Appl.
63-98-W-0641 is
pending along w/ this
W.R. Appl.

(RBW has d.p.
Appl.?)

-JL

2.10.99

Copy of approved
permit FAXED to Rod
Whitney today.
Kari Lynn