

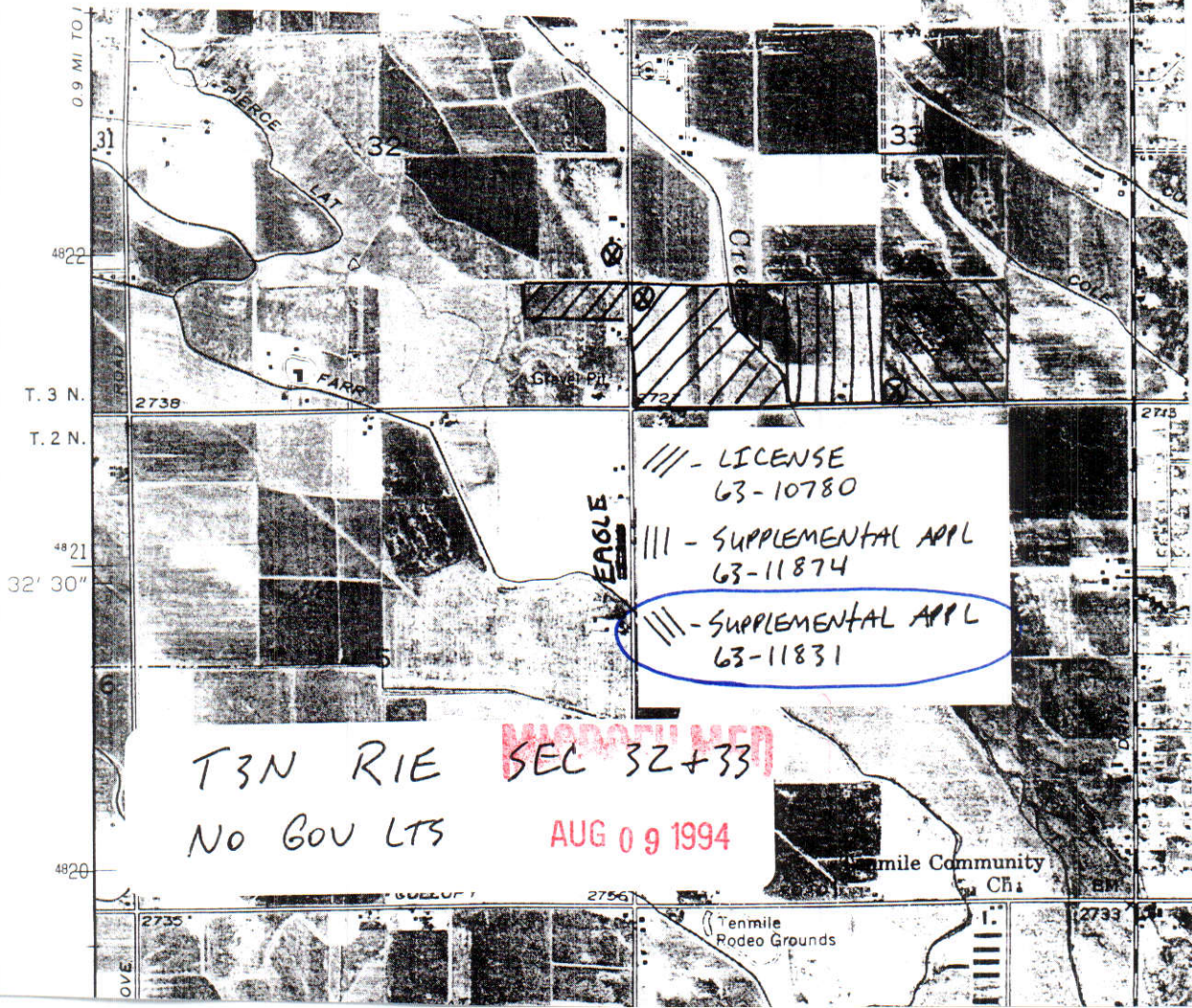
888-3760 - TURFCO

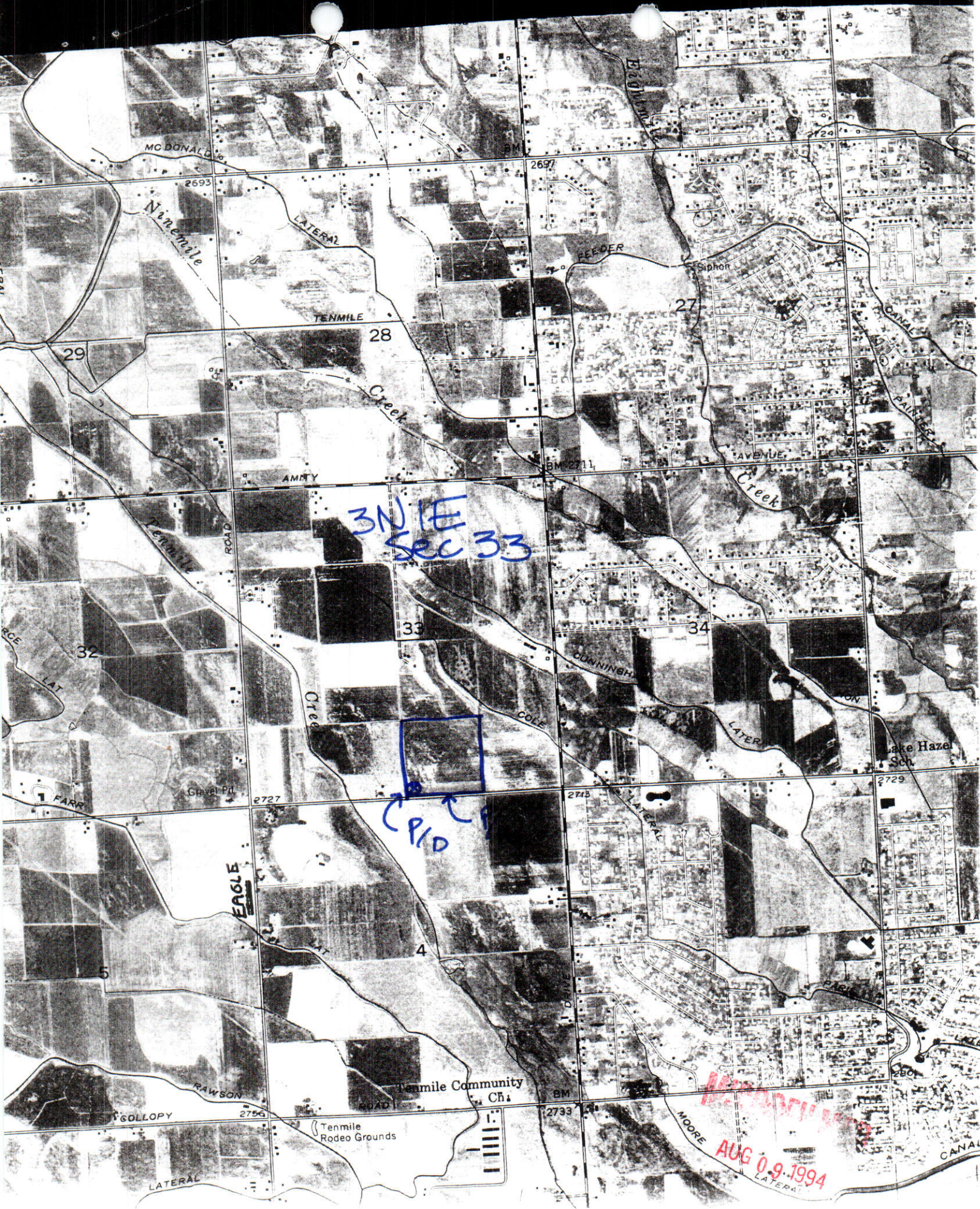
3/2/93

DARWIN McKAY

- ADD P/D VIA AMENDMENT to
✓ 63-11831 (+T3N R1E SEC 33 NWSWSW)

ADD P/D VIA TRANSFER to
63-10780 (+T3N R1E SEC 33 SWSWSE)
(+T3N R1E SEC 32 NESE)





RECEIVED
OCT 23 1995

WATER RESOURCES
WESTERN REGION

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Account Number		Identification		Amount Due
04762800		NOTICE OF CORRECTED APPLICATION FOR PERMIT		\$75.50
Ordered By	P.O. Number	Rate	Run Dates	
Sue Taylor		TT	October 5 & 12, 1995	
Sue Taylor IDAHO DEPARTMENT OF WATER RESOURCES Western Region 2735 Airport Way Boise, Idaho 83705-5082			Estimated Inches.	Real Inches
			# Affidavits	Legal Number
			1	3036

LEGAL NOTICE

NOTICE OF CORRECTED APPLICATION FOR PERMIT

Notice is hereby given that Darwin & Donna McKay dba Turfco of 3220 E. Lake Hazel Rd., Meridian, ID 83642 had applied for an Application for Permit that was incorrectly advertised on July 6 & 13, 1995 as follows:

NO. 63-11831

Source: Groundwater
Diversion Pt.: NESE S.32, SWSWSE S.33, T3N, R1E, Ada County
Use: Irrigation (.80 cfs)
Total Diversion: (.80 cfs)
Date Filed: 5/14/92
In: Ada County T3N R1E S33 SWSE 40 acres total
Water Bearing zone to be appropriated is 160 to 220 feet.

CORRECTED APPLICATION AS FOLLOWS:

Diversion Pt.: NESE S32, NWSWSW and SWSWSE S33, T3N, R1

All other information remains unchanged.

The permit 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 October 23, 1995. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
3036

Pub. October 5 and 12, 1995

LINDA PORTER

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

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of OCTOBER 5, 1995

and ending with the issue of OCTOBER 12, 1995

Linda Porter

STATE OF IDAHO)

ss.

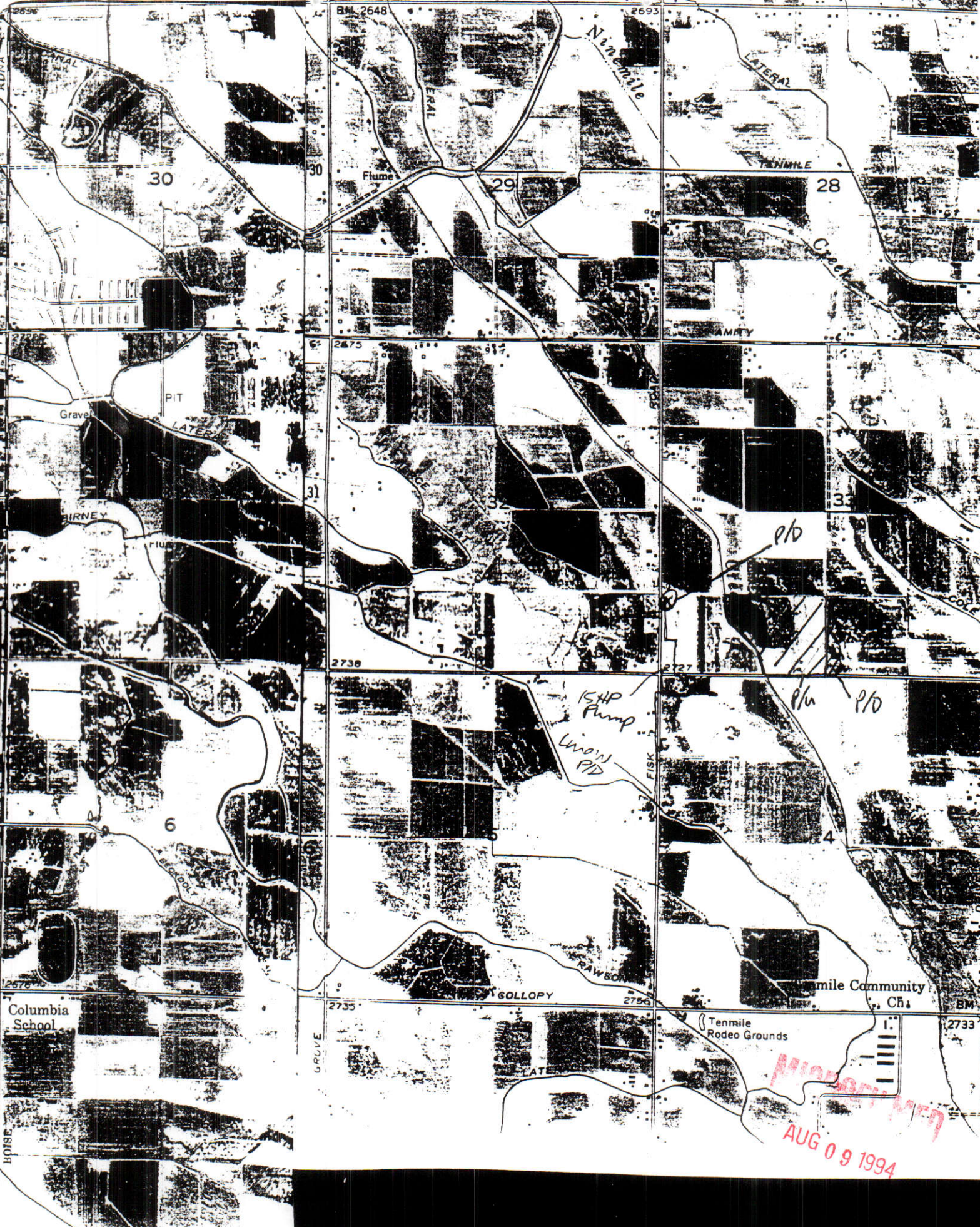
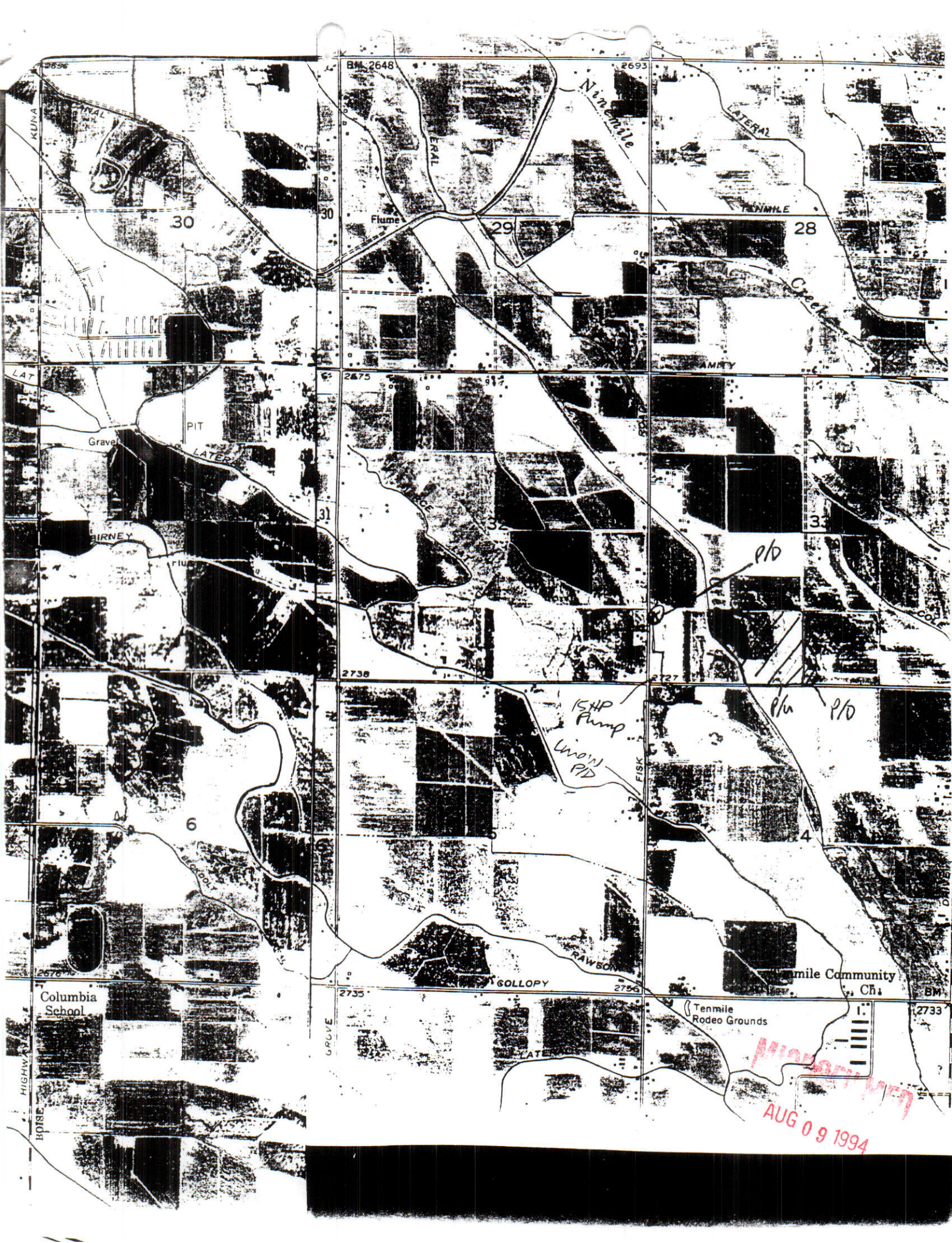
COUNTY OF ADA)

On this 12th day of OCTOBER in the year of 1995, before me, a Notary Public, personally appeared LINDA PORTER, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho

Residing at Boise, Idaho

My commission expires: 11-27-99



AUG 09 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

FEB 09 1996

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 who has been appointed by the department.

1. Permit No. 63-11831 Telephone No. 888 3260
2. Name(s) of Permit Holder(s): L. Darwin McKay dba Turco
3. Mailing Address: 6100 S. Eagle Rd. Meridian, Id. 83642
4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. Dec / yr. 92
 - a. Well Driller: Adamson Drilling Nampa Drilling Permit Number: 63-92-W-0960
 - b. **OPTIONAL:**
Pump Horsepower: 25 Pressure (psi): _____ Dynamic pumping level (ft): approx 60 ft
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 40 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .80 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 <u>X</u>	or No _____
	Has the measuring device been installed?	Yes _____	or No <u>X</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes _____	or No <u>X</u>
	Has the measurement port been installed?	Yes _____	or No <u>X</u>
8. Fee Enclosed: \$ 100.00 (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: Darwin McKay Telephone Number: 888-3260
Address: 6100 S. Eagle Rd.
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: _____

(include your title, if on behalf of company or organization)

Date: Feb 8/96

MAR 14 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 63-11831

Proposed Priority: May 14, 1992

Maximum Diversion Rate:

0.80 CFS

This is to certify, that **L DARWIN MC KAY**
DONNA R MC KAY
DBA TURFCO
3220 E LAKE HAZEL RD
MERIDIAN ID 83642

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	03/15 to 11/15	0.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 32, Township 03N, Range 01E
SWSW , Sec. 33, Township 03N, Range 01E
SWSE , Sec. 33, Township 03N, Range 01E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	01E	33	SWSE	40.0		40.0

Total number of acres irrigated: 40.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1996.
2. Subject to all prior water rights.
3. Prior to diversion of water under this right, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to use power records to determine the amount of water diverted from each point of diversion listed under this right.
4. The right holder shall measure and annually report diversions of water and other pertinent hydrologic and system information as required by Section 42-701(5), Idaho Code.
5. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
6. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
7. This approval does not authorize the construction of any new well or the deepening or enlargement of any existing well.
8. Failure to comply with any condition of approval is cause for the Director to cancel this right.

MAR 14 1996

State of Idaho
Department of Water Resources

Permit To Appropriate Water

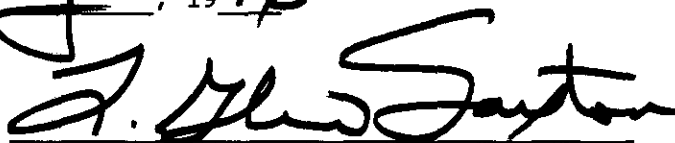
NO. 63-11831

CONDITIONS OF APPROVAL AND REMARKS

9. The issuance of this right does not grant any right-of-way or easement across the land of another.
10. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased, or used on any other place of use.
11. This permit does not authorize the development and irrigation of land not previously irrigated under prior temporary approval of this application.
12. Water bearing zone to be appropriated is 160 to 220 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

5th day of February, 1996



Karl J. Dreher
Karl J. Dreher, Director

RECORDED
MAR 14 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: L DARWIN MC KAY 208-888-3760
Address: DBA TURFCO
3220 E LAKE HAZEL RD
MERIDIAN ID 83642

AND/OR

Name: DONNA R MC KAY 208-888-3760
Address: DBA TURFCO
3220 E LAKE HAZEL RD
MERIDIAN ID 83642

Am 3/2/93
AMENDED

+ ~~NW~~SWSW SEC 33 T3N R1E **
Trib. to: *L Darwin McKay July 14, 1992*
NESE Sec. 32, Township 03N, Range 01E
~~SW~~SWSE Sec. 33, Township 03N, Range 01E
ADA County

2. Source: GROUNDWATER
3. Location of Point of Diversion:

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.800		

5. Total quantity to be appropriated is:
0.800 CFS (and/or) AF

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc.
WELL, PUMP, SPRINKLER IRRIGATION
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 10 inches; proposed depth of well is 160
feet.
d. Is groundwater with a temperature greater than 90F being sought? NO

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 years.

8. Description of proposed uses:

UNRECORDED

AUG 09 1994

** D'base updated 9/26/95 since not done before. -82

* Amended to add 3rd P/D for integrated system. 6/3/2/93

9. Place of Use: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
03N 01E 33	SWSE 40			40

Total number of acres irrigated: 40

10. Describe any other water rights used for the same purposes.

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

APPLICANT AND APPLICANT'S FIHR (D.J. McKay)

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

APPLICANT

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

P/D USED BY AGREEMENT

12. Remarks:

13. Map of proposed point of diversion and place of use attached? []

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

See Original
Applicant

Amendment
Received by g Date 3/2/93 Time 3:00 Preliminary check by _____
Fee \$ 20 Receipted by g # W015978 Date 3/2/93
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

AUG 09 1994

888-3760 - IURFLO

3/2/93

DARWIN MCKAY

- ADD P/D VIA AMENDMENT to
✓ 63-11831 (+T3N RIE SEC 33 NWSWSW)

ADD P/D VIA TRANSFER to
63-10780 (+T3N RIE SEC 33 SWSWSE)
(+T3N RIE SEC 32 NESE)



Date: 06/26/95
Time: 15:18:56

FIRST PAGE

13. Remarks: Water bearing zone to be appropriated is 160 to 220 feet.

(GOLD2=Update)	(GOLD4=Prev Screen)	(GOLD5=Next Screen)	(GOLD1=Export Remarks)	(Enter=Exit)
(GOLD3=Add Std Rmk)	(GOLD6=End of Data)	(GOLD7=Import Remarks)	(GOLD8=Cancel)	

4

Ident. No. 63-11831

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: L DARWIN MC KAY 208-888-3760
Address: DBA TURFCO
3220 E LAKE HAZEL RD
MERIDIAN ID 83642

AND/OR

Name: DONNA R MC KAY 208-888-3760
Address: DBA TURFCO
3220 E LAKE HAZEL RD
MERIDIAN ID 83642

2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: SWSWSE Sec. 33, Township 03N, Range 01E
ADA County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.800		

5. Total quantity to be appropriated is:
0.800 CFS (and/or) AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
WELL, PUMP, SPRINKLER IRRIGATION
- 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.
- Proposed well diameter is 10 inches; proposed depth of well is 160
feet.
- Is groundwater with a temperature greater than 90F being sought? NO

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 years.

8. Description of proposed uses:
SUPPLEMENTAL IRRIGATION

AUG 09 1994

9. Place of Use: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
03N 01E 33	SWSE 40			40

Total number of acres irrigated: 40

10. Describe any other water rights used for the same purposes.

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

APPLICANT

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

APPLICANT

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:

13. Map of proposed point of diversion and place of use attached? []

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

L. Damm McKay
Applicant

Received by Cyt Date 5/14/92 Time 1515 Preliminary check by g

Fee \$ 45 Receipted by Cyt # W014697 Date 5/14/92

Publication prepared by GG Date 5-27-92 Published in ID Statesman

Publication approved st Date 6-23-92

st 6-28-95 st 9-27-95 st 10-25-95
st 8-4-92 amendment
st 10-25-95 corr. st

AUG 09 1994



MOORE

2693

2697

28

3N
SEC 33

310

2727

EAGLE

34

Tennile Community Ch.

Tennile Rodeo Grounds

SCALOPE

2756

LATER

AUG 09-1994

CANAL



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 23, 1996

L DARWIN MC KAY/Donna R Mc Kay
DBA TURFCO
6100 S EAGLE RD
MERIDIAN ID 83642

RE: Water Right No. 63-11831

Dear Water Right Holder(s):

Early in 1996, the department issued the above referenced permit to you authorizing the diversion of water from a well(s) to be used to supplement the irrigation of land which is primarily irrigated with surface water shares. Most of these permit applications were originally filed in 1992 and are sometimes referred to as "1992 drought permits".

The purpose of this letter is to specifically call to your attention some of the conditions of approval dealing with use of water under your permit(s). Please note the following:

- You are required to measure and annually report to the department the amount of water you have diverted from your well. This includes the amount of water diverted during the 1996 irrigation season.
- You are required to use all of the surface water to which you are entitled each season in connection with use of water under your permit.
- If you sell, transfer, lease or use your surface water rights on any other place of use, the permit issued to you to divert supplemental groundwater is not valid.

The department plans to field inspect use of water under the drought permits to determine compliance with the conditions listed on the permits.

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

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

AUG 21 1996

cc: IDWR - W. Region

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 63-11831 Reviewed by [Signature] Date 2-22-96

GENERAL CONSIDERATIONS

yes Name same as permit?
no Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Inr.

Correct Uses? yes

SOURCE OF WATER

 Surface water source

 Ground water source

yes Drilling permit required?

no Copy in the file? Drilling Permit No. 6392-W-0960-000

200- Amount paid for permit

yes Correct?

yes Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
0 Amount Submitted
no Correct?

MEASURING DEVICE

yes Required?
no Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u>
Date proof due	<u> </u>	<u> </u>
No. of days late	<u> </u>	<u> </u>
Priority Date	<u> </u>	<u> </u>
New Priority Date	<u> </u>	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Request 100.00 exam fee & inform of assignment process & include form.

3/8 - Fee Received - Proof acceptable

DATA ENTRY

New Address 6100 S. Eagle Rd. Proof Made 2-9-96
Meridian, Id. 83642



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 8, 1996

L. DARWIN MCKAY
6100 S EAGLE RD
MERIDIAN ID 83642

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 63-11831

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 conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning the field examination, please feel free to contact the WESTERN Regional Office in Boise, at (208) 334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough".

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED
MAR 14 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 23, 1996

L. Darwin McKay
6100 S. Eagle Rd.
Meridian, ID 83642

RE: Permit No. 63-11831

Dear Permit Holder:

I have returned a copy of the Proof of Beneficial Use form submitted in connection with the above referenced water right. You state on the proof form that you are diverting .80 cfs for irrigation purposes. Before the department can process the proof, it must be accompanied by the appropriate license examination fee. The license examination fee for a rate of .80 cfs is \$100.00. You state on the proof that a fee of \$100.00 was enclosed, however, the department did not receive a fee with the proof form.

Please return the copy of the proof along with the \$100.00 license examination fee within thirty (30) days of receipt of this letter. **Please address your correspondence to my attention.**

If you have any questions or if I can be of any assistance, please feel free to contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

MAR 1 4 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 5, 1996

P63-11831
L DARWIN MC KAY
DBA TURFCO
3220 E LAKE HAZEL RD
MERIDIAN ID 83642

PERMIT APPROVAL NOTICE

RE: Basin 63 Approved Permit

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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.

Please note that one of the conditions of approval on your permit requires that you install a measuring device or sign an agreement with the department to determine your diversion using power records prior to diverting water. You may choose to install a measuring device, or you may ask the department to review your system to determine whether your diversion can be estimated with power records.

Another condition of approval requires that you measure your diversion and record other important hydrologic and physical features and report them annually to the department. The department will shortly send you further information about measuring devices, flow estimation using power records, and annual reporting forms.

MAR 1 1996

Page 2

If you have questions about the measuring and reporting requirements, please call the department at (208)327-7900 and ask for someone in the Water Distribution Section. If you have questions about other elements of your permit, call me at (208)327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

RECEIVED
MAR 14 1996

BASIN 63 MORATORIUM APPLICATION

STATE OFFICE REVIEW

by Cindy Zimmerman

Date: 2/2/96

No.: 63-11831

Name: McKay

Ad OK? ☒ /Gvmt Lts: ☒

Correct Fee? ☒ Receipt #: W014697 Priority: 3/14/92
amended: ☒ W015978 2/2/93

PROTESTED: unconditional w/D - 020 (Protest Agr) or W19 (See Final/Prelim Order)

SYSTEM COMPLETED: - Yes P16 No (if no put in order on hold)

GROUNDWATER SOURCE:

+ 5 acres <POU> - 066-P55, 067, 065, 03A
=/- 5 acres <POU> - 066-P55, 067, 065, 057

DRILLING PERMIT

3 pd's Number - P/D same Yes No (if no show Shelley) 10"
Existing wells - #163-92-W-0960-000, drilled 4/93 (256')
- 008 #2 drilled 10/87 (160') #3 drilled 4/87 (163')

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
Swan Falls Flag - B <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA

CONDITION CODES: - 009, _____

OWNERSHIP: Non-land owner - 004 (PD/PU) DJ McKay/agreement

PARAGRAPH CODES: - _____

STANDARD REMARKS: - 1) WB8, W06, Water Zone 160'-220',

BENEFICIAL USE DUE: - 1-1996

COMMENTS: - _____

MEMORANDUM

TO: Application for Permit No. 63-11831
FROM: Dave Tuthill *DM*
DATE: January 29, 1996
RE: Review of Application

In accordance with Order Condition No. 3 of the Boise River Basin Amended Moratorium Order dated May 3, 1995, this application has been reviewed and screened by the Department. The review committee consisted of the following personnel:

Mark Slifka, representing well construction concerns.
Janet Crockett, representing water quality concerns.
Shane Bendixsen, representing hydrologic concerns.
Jim Johnson, representing water allocation concerns.
Dave Tuthill, representing reg. office regulatory concerns.

Any additional conditions of approval found to be needed have been added to the supplemental staff analysis sheet which has been prepared and is included in this file.

RECEIVED

MAR 14 1996

RE-ADVERTISING FOR SUPPLEMENTAL
IRRIGATION RIGHT (MORATORIUM BACKLOG)

APPLICATION NO. 63-11831

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:
☐ ☒ Protests received. Final date for protest 7-24-95
☐ ☒ Protest dates, resolution of protest recorded on application:
☐ ☒ Recommendations attached: Approve, Dnr
☐ ☒ Measuring device required:
☐ ☒ Measuring port required:
☐ ☒ Water delivered by water master? District # _____
☐ ☒ Special conditions of approval or cover letter: _____
Well is drilled (allow 1 year). (Special Post-Morat conditions)

☐ ☒ See below for additional information.

Recommended Date or Priority 3/2/1993 (Note, date was ~~to~~ delayed by amendment)
Recommended by: Dnr Date 8/21/95
1/29/96

STATE OFFICE REVIEW

☐ See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

CORRECTED ADVERTISEMENT for 1st 2 weeks OCT '95 to
show 3rd Qtr for possible pld. This had been overlooked
(assumed was already in d'base) in July '95 re-advertising.
Dept Given so no cost to applicants. -82 9/26/95

RECEIVED
OCT 23 1995

WATER RESOURCES
WESTERN REGION

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

\$75.50

Account Number 04762800		Identification NOTICE OF CORRECTED APPLICATION FOR PERMIT	
Ordered By Sue Taylor	P.O. Number	Rate TT	Run Dates October 5 & 12, 1995
Sue Taylor IDAHO DEPARTMENT OF WATER RESOURCES Western Region 2735 Airport Way Boise, Idaho 83705-5082		Estimated Inches.	Real Inches
		# Affidavits 1	Legal Number 3036

LEGAL NOTICE

NOTICE OF CORRECTED APPLICATION FOR PERMIT

Notice is hereby given that Barbara S. Dennis McKay dba Turco of 3220 E. Lake
Zel Rd., Meridian, ID 83446 applied for an Application for Permit that was
correctly advertised on July 3 & 13, 1995 as follows:

NO. 49-11831

Groundwater
Version P1: NESE S.33, SWSE S.33, T3N, R1E, Ada County
Irrigation (20 CFS)
Diversions
Filed: 5/14/92

After Seeding zone to be irrigated is 140 to 220 feet.

Groundwater Application as follows:
Version P1: NESE S.33, SWSE S.33, T3N, R1E, Ada County
other information remains unchanged.

Permit will be subject to all other water rules. Protests may be submitted
on the criteria of Sec. 49-203A, 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 fee of \$25.00 on or before October 23, 1995. The protest must also
include a copy of the protest to the applicant.

Karl J. Dreher, Director
3036

October 5 and 12, 1995

LINDA PORTER

_____, being
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 uninterrupted
published in said County during a period of twelve consecutive
months prior to the first publication of the notice, a copy of which is
attached hereto; that said notice was published in The Idaho
Statesman in conformity with Section 60-108, Idaho Code as
amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of OCTOBER 5, 19__9

and ending with the issue of OCTOBER 12, 19__9

Linda Porter

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 12th day of OCTOBER in the year
1995, before me, a Notary Public, personally appears
LINDA PORTER, known or identified

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

[Signature]
Notary Public for Idaho

Residing at Boise, Idaho

My commission expires: 11-27-99

NOTICE OF CORRECTED
APPLICATION FOR PERMIT

Notice is hereby given that Darwin & Donna McKay dba Turfco of 3220 E. Lake Hazel Rd., Meridian, ID 83642 had applied for an Application for Permit that was incorrectly advertised on July 6 & 13, 1995 as follows:

NO. 63-11831

Source: Groundwater
Diversion Pt.: NESE S.32, SWSWSE S.33, T3N, R1E, Ada County
Use: Irrigation (.80 cfs)
Total Diversion: (.80 cfs)
Date Filed: 5/14/92
In: Ada County T3N R1E S33 SWSE 40 acres total

Water Bearing zone to be appropriated is 160 to 220 feet.

CORRECTED APPLICATION AS FOLLOWS:

Diversion Pt.: NESE S32, NWSWSW and SWSWSE S33, T3N, R1E

All other information remains unchanged.

The permit 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 October 23, 1995. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Idaho Statesman on October 5 and 12, 1995.

RECEIVED
MAR 14 1996

MEMORANDUM

DATE: September 5, 1995
TO: Steve Lester*, Western Region
THRU: Shelley Keen *SK*
FROM: Cindy Zimmerman
SUBJECT: Review of Application for Permit No. 63-11831

=====

Steve,

During the review of this application, I noted that the database and advertisements did not include the third point of diversion located in NWSWSW, S33, T03N, R01E that was added via amendment on 3/2/93.

I am returning this application to you, as we discussed in our telephone conversation today, for re-advertisement.

Thanks,

Cindy

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MAR 14 1996

*
*See 7/95 1 pg. staff analysis pg for 2nd Re-adv.
processing*

MEMORANDUM

TO: Application for Permit No. 63-11831
FROM: Dave Tuthill *DT*
DATE: August 17, 1995
RE: Review of Application

In accordance with Order Condition No. 3 of the Boise River Basin Amended Moratorium Order dated May 3, 1995, this application has been reviewed and screened by the department. The review committee consisted of the following personnel:

Doug Davidson, representing well construction concerns.
Janet Crockett, representing water quality concerns.
Shane Bendixsen, representing hydrologic concerns.
Dave Tuthill, representing regulatory concerns.

Any additional conditions of approval found to be needed have been added to the supplemental staff analysis sheet which has been prepared and is included in this file.

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

63-11631

BLICKENSTAFF, RONALD
6422 BENNETT RD
NAMP, ID 83686

Source: GROUNDWATER
Diversion Pt: NENW Sec 28 T02N R01W in ADA County.
Use: IRRIGATION (1.500 CFS)
Total Diversion: (1.500 CFS)
Date Filed: 1/31/1992
In: ADA County
T02N R01W S28 NENW SENW
75.0 ACRES TOTAL
Water bearing zone to be appropriated is 100 to 250 feet.

63-11673

FISHER, BERNARD FRANCIS
4200 W KING RD
KUNA, ID 83634

Source: GROUNDWATER
Diversion Pt: SESW Sec 28 T02N R01W in ADA County.
Use: IRRIGATION (1.600 CFS)
Total Diversion: (1.600 CFS)
Date Filed: 2/19/1992
In: ADA County
T02N R01W S28 NESW SESW
80.0 ACRES TOTAL
Water bearing zone to be appropriated is 89 to 140 and 190 to 290 feet.

63-11687

BURNETT, DOUGLAS W
1408 E 2300 N
PROVO, UT 84604

Source: GROUNDWATER
Diversion Pt: NENE Sec 29 T03N R01E in ADA County.
Use: IRRIGATION (1.300 CFS)
Total Diversion: (1.300 CFS)
Date Filed: 3/4/1992
In: ADA County
T03N R01E S29 NENE NWNE SWNE
65.0 ACRES TOTAL
Water bearing zone to be appropriated is 30 to 210 feet.

63-11703

RADLER, FRANK
2385 E LAKE HAZEL
MERIDIAN, ID 83642

Source: GROUNDWATER
Diversion Pt: LOT 2 (NWNE) Sec 5 T02N R01E in ADA County.
Use: IRRIGATION (2.200 CFS)
STOCKWATER (0.130 CFS)
Total Diversion: (2.330 CFS)
Date Filed: 2/28/1992
In: ADA County
T02N R01E S05 Lot 2(NWNE) SWNE Lot 3(NENW) SENW
110.0 ACRES TOTAL
Water bearing zone to be appropriated is 200 to 287 feet.

63-11715

ROSTI, SAM
ROSTI, KARI
1460 POLLARD LN
STAR, ID 83669

Source: GROUNDWATER
Diversion Pt: SWSE Sec 4 T04N R01W in ADA County.
Use: IRRIGATION (3.400 CFS)
Total Diversion: (3.400 CFS)
Date Filed: 3/13/1992
In: ADA County
T04N R01W S04 SESW SWSE
S09 NWNE SWNE NENW SENW
170.0 ACRES TOTAL
Water bearing zone to be appropriated is 345 to 445 feet.

63-11716

LAW, NORMAN E
LAW, RHEA P
2500 S EAGLE RD
KUNA, ID 83634

Source: GROUNDWATER
Diversion Pt: NWNWSW Sec 33 T02N R01E in ADA County.
Use: IRRIGATION (1.600 CFS)
Total Diversion: (1.600 CFS)
Date Filed: 3/13/1992
In: ADA County
T02N R01E S33 SWNW SENW NESW NWSW
SESW NWSE
177.0 ACRES TOTAL
Water bearing zone to be appropriated is 200 to 300 feet.

63-11728

FLACK, WILLIAM M
4035 HARTLEY RD
EAGLE, ID 83616

Source: GROUNDWATER
Diversion Pt: NESE Sec 33 T05N R01W in ADA County.
Use: IRRIGATION (2.000 CFS)
Total Diversion: (2.000 CFS)
Date Filed: 3/16/1992
In: ADA County
T05N R01W S33 NESE SESE
S34 NWSW SWSW
160.0 ACRES TOTAL
Water bearing zone to be appropriated is 130 to 361 feet.

63-11763

EGGERS, DREW
EGGERS, JOANN
5101 W LAKE HAZEL RD
NAMP, ID 83687

Source: GROUNDWATER
Diversion Pt: NESE Sec 16 T03N R01W in ADA County.
Use: IRRIGATION (3.000 CFS)
Total Diversion: (3.000 CFS)
Date Filed: 4/8/1992
In: ADA County
T03N R01W S15 NWNW SWNW
S16 SWNE SENE NESE NWSE
200.0 ACRES TOTAL
Water bearing zone to be appropriated is 200 to 300 feet.

63-11770

SUTHERLAND FARM INC
3895 GIRDNER LN
MERIDIAN, ID 83642

Source: GROUNDWATER
Diversion Pt: SENESW Sec 21 T03N R01E in ADA County.
Use: IRRIGATION (1.760 CFS)
WILDLIFE STORAGE (3.40 AF)
DIVERSION TO STORAGE (0.330 CFS)
WILDLIFE (0.330 CFS)
Total Diversion: (1.760 CFS)
Date Filed: 4/14/1992
In: ADA County
T03N R01E S21 NESW NWSW NWSE
88.0 ACRES TOTAL
Water bearing zone to be appropriated is 175 to 225 feet.

63-11781

BEWS, ED L
5206 SORRENTO CIR
BOISE, ID 83704

Source: GROUNDWATER
Diversion Pt: NENW Sec 16 T03N R01E in ADA County.
Use: IRRIGATION (1.600 CFS)
Total Diversion: (1.600 CFS)
Date Filed: 4/14/1992
In: ADA County
T03N R01E S16 NENW SENW
80.0 ACRES TOTAL
Water bearing zone to be appropriated is 400 to 500 feet.

63-11831

MC KAY, L DARWIN
MC KAY, DONNA R
DBA TURFCO
3220 E LAKE HAZEL RD
MERIDIAN, ID 83642

Source: GROUNDWATER
Diversion Pt: NESE Sec 32 T03N R01E in ADA County.
SWSWSE Sec 33 T03N R01E in ADA County.
Use: IRRIGATION (0.800 CFS)
Total Diversion: (0.800 CFS)
Date Filed: 5/14/1992
In: ADA County
T03N R01E S33 SWSE
40.0 ACRES TOTAL
Water bearing zone to be appropriated is 160 to 220 feet.

63-12220

AVEST LIMITED PARTNERSHIP
C/O ROGER ALLEN
9647 W PEBBLE BROOK LN
BOISE, ID 83703

Source: GROUNDWATER
Diversion Pt: SWSW Sec 5 T03N R01E in ADA County.
Use: IRRIGATION (0.200 CFS)
Total Diversion: (0.200 CFS)
Date Filed: 6/13/1995
In: ADA County
T03N R01E S05 SWSW
25.0 ACRES TOTAL

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 JULY 24, 1995. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Pub. July 6 and 13, 1995

2384

63-11831

MC KAY, L DARWIN
MC KAY, DONNA R
DBA TURFCO
3220 E LAKE HAZEL RD
MERIDIAN, ID 83642

Source: GROUNDWATER

Diversion Pt: NESE Sec 32 T 03N R 01E in ADA County.
 SWSWSE Sec 33 T 03N R 01E in ADA County.

Use: IRRIGATION (0.800 CFS)
 Total Diversion: (0.800 CFS)

Date Filed: 5/14/1992

In: ADA County
 T03N R01E S33 SWSE

40.0 ACRES TOTAL

Water bearing zone to be appropriated is 160 to 220 feet.

RECORDED

MAR 14 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: ly DATE: 5/20/92 APPLICATION: 63-11831

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:
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Fee:
- ☒ Yes ☐ No* In form to receipt:
- Gov't. Lots:
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on the back.)
- ☒ Overlapping point of diversion:
- ☒ Field check required: Field check by: _____
- ☒ Field report attached:
- ☒ Critical groundwater area:
- ☒ Groundwater management area:
- ☒ Diversion within interim protected river area
- ☒ Send dam safety information:
- ☒ Send power requirement letter:
- ☒ Send fish farm requirement letter:
- ☒ Power residency affidavit:
- ☒ Power efficiency form:
- ☒ Within trust water boundary: (If yes, attach Trust Water Supplemental Analysis Sheet.)
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: _____

☒ Additional information on reverse side:

PROCESSING

APPLICATIO NO. 63-11831

YES NO

☒ ☒ In form for advertising:
☒ ☒ Statewide advertising:
☒ ☒ Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☒ ☒ I.D. Health and Welfare
☒ ☒ I.D. Fish and Game
☒ ☒ I.D. Lands
☒ ☒ Adjudication Bureau

YES NO

☒ ☒ U.S. BLM
☒ ☒ U.S. Forest Svc.
☒ ☒ 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:

Protests received. Final date for protest June 22, 1992

Protest dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District # _____

Special conditions of approval or cover letter:

See letter dated 7/14
See letter dated 7/17/92 as a substitute for Moratorium questionnaire

See below for additional information

Recommended Date or Priority 5/14/1992

Recommended by: Der Date 8/4/1992

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

RECEIVED

MAY 3 1 1995

RESPONSE FORM

Boise River Basin Moratorium Application

WATER RESOURCES
WESTERN REGION

Name of Applicant: L. Darwin McKay

Address: 6100 S. Eagle Rd.

Meridian, Idaho 83642

Water Right No.: 63-11831

Do you wish to proceed with development of the
water right as proposed in the application?

X Yes No

(If the response is no, please complete
and return the enclosed withdrawal form.)

If the source of water that you propose to
appropriate is ground water, what aquifer
level do you propose to develop to obtain water?

160 ft to 220 ft *

Signature: L. Darwin McKay

Printed Name: L. Darwin McKay

Please return this form to:

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705

* See attached well reports

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State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name # Turfco Darwin McKay

Address

Owner's Permit No. # 63-10534

2. NATURE OF WORK

☒ New well

☐ Deepened

☐ Replacement

☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

☐ Domestic

☒ Irrigation

☐ Test

☐ Municipal

☐ Industrial

☐ Stock

☐ Waste Disposal or Injection

☐ Other (specify type)

4. METHOD DRILLED

☒ Rotary

☒ Air

☐ Hydraulic

☐ Reverse rotary

☐ Cable

☐ Dug

☐ Other

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other

Thickness

Diameter

From

To

.250

inches

10

inches

1

feet

77

feet

inches

inches

feet

feet

inches

inches

feet

feet

inches

inches

feet

feet

Was casing drive shoe used?

☒ Yes

☐ No

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

aiwell

Type

liner

Model No.

Diameter

8

Slot size

4

Set from

67

feet to

160

feet

Diameter

Slot size

Set from

feet to

feet

Gravel packed?

☐ Yes

☒ No

☐ Size of gravel

Placed from

feet to

feet

Surface seal depth

20

Material used in seal:

☐ Cement grout

☒ Bentonite

☐ Puddling clay

☐

Sealing procedure used:

☐ Slurry pit

☒ Temp. surface casing

☒ Overbore to seal depth

Method of joining casing:

☐ Threaded

☒ Welded

☐ Solvent Weld

☐ Cemented between strata

Describe access port

7. WATER LEVEL

Static water level 40 feet below land surface.

Flowing? ☐ Yes ☐ No G.P.M. flow

Artesian closed-in pressure p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature °F. Quality

Describe artesian or temperature zones below.

8. WELL TEST DATA

☐ Pump

☐ Bailor

☐ Air

☐ Other

Discharge G.P.M.

Pumping Level

Hours Pumped

9. LITHOLOGIC LOG

Bore Diam.

Depth

Material

Water

From

To

Yes

No

0

8

Top soil & hard pan

8

32

Sand & gravel

x

32

40

Sandy clay

x

40

62

Sand w/ gravel

x

62

80

Coarse sand

x

80

84

Sand & clay

x

84

154

Coarse sand

x

154

156

Hard yellow clay

x

156

160

Joint clay & coarse sand

x

10.

Work started 10-10-87 finished 10-14-87

6. LOCATION OF WELL

Sketch map location must agree with written location.

N

W

E

S

ada

Subdivision Name

none

Lot No.

Block No.

SW

SE

SW

SE

Sec. 33

T. 3

N/S, R. 1

E/W.

11. DRILLERS CERTIFICATION

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

Firm Name Davis Well Drilling

Firm No. 101

Address 415 N. Pitt Lane

Date 1-5-88

Signed by (Firm Official) Carolyn Davis

and

(Operator) Chuck Davis

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Darwin McKay
Address 3220 E. Lake Hazel Rd. Meridian, ID
Drilling Permit No. 63-92-W-0960-000
Water Right Permit No. 63-11831

2. NATURE OF WORK

- ☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures
such as liners, screen, materials, plug depths, etc. in lithologic
log, section 9.)

3. PROPOSED USE

- ☐ Domestic ☒ Irrigation ☐ Monitor
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

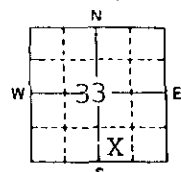
4. METHOD DRILLED

- ☒ Rotary ☒ Air ☐ Auger ☐ Reverse rotary
☐ Cable ☐ Mud ☐ Other _____
(backhoe, hydraulic, etc.)

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____
Thickness Diameter From To
.250 inches 10 inches + 2 feet 254 feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feetWas casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation? _____ inches by _____ inchesNumber From To
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feetWell screen installed? ☐ Yes ☒ No
Manufacturer _____ Type _____
Top Packer or Headpipe _____
Bottom of Tailpipe _____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 _____ feetSurface seal depth 20 Material used in seal: ☐ Cement grout
☒ Bentonite ☐ Puddling clay ☐ _____Sealing procedure used: ☒ Slurry pit
☐ Temp. surface casing ☐ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded
☐ Solvent Weld ☐ Cemented between strataDescribe access port Top of Well

6. LOCATION OF WELL

Sketch map location **must** agree with written location.

Subdivision Name _____

Lot No. _____ Block No. _____

County AdaAddress of Well Site 3220 E. Lake Hazel Rd.
Meridian, ID (give at least name of road)T. 3 N ☒ or S ☐
SW 1/4 SE 1/4 Sec. 33 R. 1 E ☒ or W ☐

7. WATER LEVEL

Static water level 64 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below.

8. WELL TEST DATA

☐ Pump ☐ Bailer ☒ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
350		1

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
10"	1	2 1/2	Top Soil		
"	2 1/2	80	Sand & Gravel		
"	80	81	Clay Layer		
"	81	83	Coarse Sand		
"	83	90	Clay Tan Hard		
"	90	107	Sand (Med.-Coarse)		
"	107	113	Sandy Clay		
"	113	115	Sand-coarse-gravel		
"	115	125	Sand " " v. little	X	
"	125	130	Fractured Clay-Sand-Gravel		
"	130	135	Sand/fine		X
"	135	140	Sand/fine		X
"	140	145	Sandy Clay		
"	145	155	Sand/pea gravel v. litt	X	
"	155	157	Soft Clay		
"	157	175	Sandy w/gravel		
"	175	195	Sandy w/gravel		
"	195	199	Sandy Clay Tan		
"	199	209	Sand a lot	X	
"	209	216	Clay		
"	216	217	Sand fine		X
"	217	220	Clay & Sand Pocket	X	
"	220	221	Clay		
"	221	228	Coarse Sand		X
"	228	235	Sand & Clay Mix		
"	235	256	Gravel & Sand		
"	256		Sand & Pea Gravel a lot	X	

10.

Work started 12/31/92 finished 4/14/93

11. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.Firm Name Adamson Pump & Drilling Firm No. 457
Address Nampa, ID Date 4/15/93Signed by Drilling Supervisor Dave Adamson
and
(Operator) DAVE ADAMSON
(If different than the Drilling Supervisor)

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name D. J. McKayAddress 5875 So. Eagle Rd. Meridian, IDOwner's Permit No. 63-10416

2. NATURE OF WORK

- ☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

- ☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

- ☐ Rotary ☐ Air ☐ Hydraulic ☒ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	16 inches	+ 1 feet	128 feet
.250 inches	16 inches	158 feet	163 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☒ NoWas a packer or seal used? ☐ Yes ☒ NoPerforated? ☐ Yes ☒ NoHow 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 ☐ NoManufacturer's name Roscoe MossType Wirewrap-Carbon Steel Model No. _____Diameter 16 Slot size 40 Set from 128 feet to 158 feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☒ Yes ☐ No ☐ Size of gravel 3/8 MinusPlaced from 18 feet to 163 feetSurface seal depth 18 Material used in seal: ☐ Cement grout☐ Bentonite ☒ Puddling clay ☐ _____Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing☒ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

Weld

☐ Cemented between strataDescribe access port 2"

7. WATER LEVEL

Static water level 30 feet below land surface.Flowing? ☐ Yes ☒ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature _____ °F. Quality _____

Describe artesian or temperature zones below.

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.

Pumping Level

Hours Pumped

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
28"	0	7	Topsoil		
	7	12	River Rock		
	12	17	Gravel-Half Cemented		
	17	27	Coarse Sand		
	27	33	Gravel and Sand		
	33	60	Sand & Gravel 6-8" Rock		
	60	64	Sand mxd. w/ clay		
	64	77	Brn. Clay w/ hrd. sandstone		
	77	85	Sand - Fine to med.		
	85	87	Sand with clay		
	87	91	Clay		
	91	102	Fine Sand		
	102	110	Clay w/ sm. amt. Sand		
	110	113	Sandwiched Streaks Clay and fine sand.		
	113	123	Fine brn. sand		
	123	133	Fine to med. sand - Brn. to Golden		
	133	143	Sand - Med. to coarse		
	143	153	Sand (One thin clay strk.)		
	153	163	Sand - Fine to Medium		

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APR 29 1987

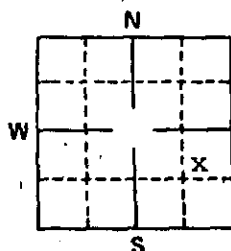
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MAY 4 1987

Department of Water Resources
Western Regional Office

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County Ada

NE 1/4 SE 1/4 Sec. 32, T. 3N N/S, R. 1E E/W.

11. DRILLERS CERTIFICATION

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

Pete Cope Drilling Co., Inc.

Firm Name _____ Firm No. 213Address 6505 W. Chinden
Meridian, ID 83642 Date 4/28/87Signed by (Firm Official) Pete Cope

and

(Operator) Frank Chaffin



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-
FAX (208) 334-234

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 19, 1995

**Distribution: Applicants Whose Water Right Applications Were Held
Without Action Under the Boise River Basin
Moratorium**

Dear Applicant:

As you might be aware, on May 3, 1995 the Director of the Department of Water Resources, Mr. R. Keith Higginson, signed an Amended Moratorium Order which provides for the processing of previously held applications within the Boise River Basin, with certain restrictions. Enclosed for your information is a copy of the Order.

As provided in the Order, this office will resume the processing of these applications in order of priority at a rate of 30 applications per month. Depending on how many applicants wish to proceed with development of their projects, the processing of the 338 presently-held applications could require as much as a year. To enable you to make an estimate as to when your application(s) will be processed, please be advised that 244 of the applications have priority (receipt) dates of 1992; 32 are dated 1993; 37 are dated 1994; and 25 are dated 1995.

As new applications are received, they are sorted into two groups. Those that would not have been held back under the moratorium are processed immediately. To assure fairness in processing, those that would have been held back under the moratorium, such as irrigation applications, are placed at the end of the moratorium processing line.

Note that the Order requires that all applications held under the moratorium will be advertised (or re-advertised if previously advertised), in order to enable neighboring water users to examine the proposed uses in view of water availability information gained during recent drought years. There will be no additional charge to the applicants for this process. For applications that propose use of ground water, the advertisement must include an indication of the depth interval from which the applicant proposes to withdraw water.

Please find enclosed a Profile Report which provides information from our water rights data base describing each of your moratorium-held applications. In addition we have included one response form for each application, which enables you to indicate whether you wish to proceed with processing of your water right application(s).

MAR 14 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-11831 IN)
THE NAME OF L DARWIN MC KAY)
AND DONNA R MC KAY)
_____)

REINSTATEMENT ORDER

This matter having come before the Idaho Department of Water Resources (department), as a result of drought conditions being experienced during the 1994 irrigation season, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. In May 1992, the department issued the above captioned temporary permit (permit) to use ground water during the 1992 irrigation season to offset the effects of the drought and the associated reduced surface water supply. The permit expired on November 15, 1992.

2. The permit was conditioned that the Director of the department retained jurisdiction to reinstate the permit if drought conditions justify resumption of ground water use.

3. Water supply conditions during 1994 justify reinstatement of the permit by the Director.

CONCLUSIONS OF LAW

1. The Director is authorized under Chapter 2, Title 42, Idaho Code, to issue water right permits authorizing the diversion and use of the state's water resources.

2. The Director should reinstate the above captioned permit with certain conditions and limitations.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the above captioned permit is **REINSTATED** with the following conditions and limitations:

1. The permit expires on November 15, 1994.

2. The right to divert water under the above captioned permit is void if the surface water appurtenant to the place of use has been sold, transferred, leased or used on any other place of use without the approval of the department.

AUG 09 1994

3. The permit holder shall use the full allotment of surface water to the extent it is available before diversion is authorized under this reinstated permit.

4. The permit holder shall employ reasonably efficient methods of water application to conserve the water of the state of Idaho.

5. The rate of diversion of water for irrigation under this right and all other rights shall not exceed 0.02 cfs for each acre of land.

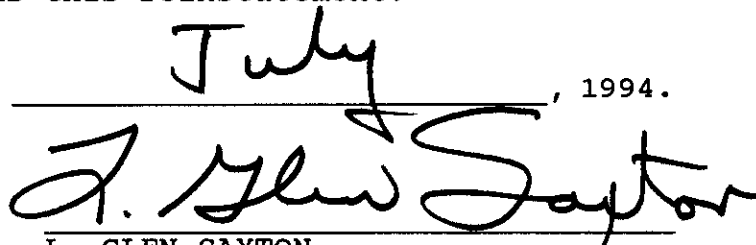
6. This use is subject to all prior water rights.

7. The place of use authorized is only that shown on the permit. Permit holder shall prevent use of this water on land for which it is not authorized.

8. This reinstatement does not authorize the construction of new wells or the deepening of existing wells.

9. Failure to comply with the above conditions and limitations of permit use voids this reinstatement.

Dated this 29th day of July, 1994.


L. GLEN SAXTON
Chief, Water Allocation Bureau


AUG 09 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

July 29, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

L DARWIN MC KAY
DONNA R MC KAY
DBA TURFCO
3220 E LAKE HAZEL RD
MERIDIAN ID 83642

RE: PERMIT NO. M63-11831

REINSTATEMENT OF PERMIT APPROVAL

Dear Reinstated Permit Holder(s):

Enclosed is an reinstatement order **authorizing diversion of water** under the above referenced permit.

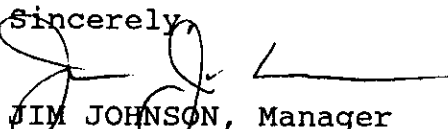
The Department has reinstated your permit for the remainder of the 1994 irrigation season and the reinstatement will expire on November 15, 1994. When your permit expires, you must make the pump and motor inoperable, and you cannot operate the pump without approval from the Department of Water Resources. The Director may reinstate the permit again next year if drought conditions persist.

Please remember water diverted under your reinstated permit is only to be used on the lands identified on your permit. You must obtain the approval of the Department before using your water anywhere else.

If diversion from your well causes interference with other wells with an earlier priority, you may be required to cease pumping or compensate the affected party. Idaho law specifically protects groundwater levels for domestic wells which were in use prior to 1978.

If you have any questions please let me know.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

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AUG 09 1994

DROUGHT RELIEF QUESTIONNAIRE

RECEIVED

JUL 25 1994

If you are not interested in having a 1994 temporary permit reinstatement, or if you did not drill a well in 1992, disregard this questionnaire. No response is necessary.

Please answer the questions below. Your answers will help the department assess the need for use of the wells to complete the 1994 irrigation season and the extent of water use that will occur if the department again authorizes use of the wells.

1. Temporary permit identification number. M63-11831
(See cover letter)

2. a) Person responding to this questionnaire

L. Darwin McKay

b) Relationship to applicant? Same

3. Do you expect to use all of your surface water supplies for the land identified on the attached application prior to the end of the 1994 irrigation season? Yes X No

4. What is the source of supply? (Name of Canal)

Farr Lateral

5. What date do you expect this to occur? When Surface water is no longer Avail approx Sept 1

6. List the type of crop, acreage and volume of water in acre feet (AF) needed under the temporary permit to complete the 1994 irrigation season. List only for the lands included in the land list of the attached application for permit.

CROP	ACRES	ACRE FEET
Turf Grass Sod (Established plant material and new seeding)	40	50-60 Est

This questionnaire needs to be completed and returned to the department by August 1, 1994 in order to be considered as a request to reinstate a temporary permit.

AUG 09 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

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JUL 22 1994

WATER RESOURCES
WESTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 20, 1994

L DARWIN MC KAY
DBA TURFCO
3220 E LAKE HAZEL RD
MERIDIAN ID 83642

RE: Water Right No. M63-11831

Dear Water Right Holder(s):

In 1992, the Department issued you a temporary permit to use groundwater from your well, if you drilled one, to replace depleted storage water supplies. This temporary permit expired on November 15, 1992.

During 1994, since available surface water supplies are again substantially below normal, the department has received a number of requests to re-authorize use of the "1992 drought relief" wells.

The department is willing to consider reinstating the temporary permits for the remainder of 1994 provided you can show that you used water under the 1992 temporary approval and that water will be used only on the lands identified on the temporary permit. Enclosed is a questionnaire which you must complete and return to the department if you want to be considered for reinstatement in 1994.

Also enclosed, for your reference, is a record of your application for permit.

Please be advised that unless the department specifically reinstates the expired permit, you are not authorized to divert and use the water from the well identified on the temporary permit.

If you have any questions, please feel free to contact me at Ph. 327-7947.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

AB004

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APR 08 1994

WATER RESOURCES
WESTERN REGION

March 31, 1994

L DARWIN MC KAY
DBA TURFCO
3220 E LAKE HAZEL RD
MERIDIAN ID 83642

RE: Water Right No. M63-11831

Dear Water Right Holder(s):

In 1992, the Department of Water Resources issued the above referenced permit allowing the diversion of water for the 1992 irrigation season only. The permit included a condition:

This permit to appropriate water expires at the end of the 1992 irrigation season. The Director retains jurisdiction to reinstate the permit if drought conditions justify resumption of groundwater use.

It now appears that 1994 early season water supply and precipitation conditions are such that short-term use of the wells that were drilled under this authority could be beneficial prior to the start of water delivery through the canal systems in the Boise Valley. We have been advised that most of the canals will not be able to deliver water for another 10 to 14 days.

Therefore, you are hereby notified that the permit is reinstated for temporary use during the period April 1 through April 15, 1994 only. All other conditions of the permit continue to apply. One requirement was that the well be disconnected from the power system at the end of the approved period of use, which under this reinstatement is April 15, 1994.

The existing moratorium in the Boise Valley area is not changed by this temporary reinstatement of the 1992 drought well permit. This temporary reinstatement does not authorize the construction of a new well or alteration of an existing well.

If you have any questions, please contact this office.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

AUG 6

NOTICE OF (APPLICATION FOR AMENDMENT)
(AMENDED APPLICATION FOR PERMIT)

Notice is hereby given that (application)
(permit) No. 63-11831
in the name of L DARWIN & DONNA R MCKAY, DBA TURFCO
was filed on 3/2/93 for the diversion of 0.8 cfs
from groundwater
with 7 points of diversion within the NESE Sec 32 & SWSWSE
Sec 33, T03N R01E to be used for Supplemental
Irrigation purposes from 3/15
to 11/15 within portions of SWSE Sec 33,
T03N R01E.

The (applicants) now proposes to amend the (application)
(permit holder) (permit)
by ~~changing the~~ adding a third point of diversion
in NWSWSW Sec 33 T03N R01E.

Any protest against the approval of the proposed amendment must be filled with
the Department of Water Resources, Statehouse, 450 W. State St., Boise, ID
83720 on or before _____

R. Keith Higginson
Director

Published _____
_____ and _____

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 63-11831

Proposed Priority: May 14, 1992 Maximum Diversion Rate: 0.80 CFS
This is to certify, that L DARWIN MC KAY

DONNA R MC KAY
DBA TURFCO
3220 E LAKE HAZEL RD
MERIDIAN ID 83642

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	03/15 to 11/15	0.80 CFS

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 32, Township 03N, Range 01E
SWSWSE , Sec. 33, Township 03N, Range 01E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	01E	33	SWSE	40		40

Total number of acres irrigated: 40

CONDITIONS/REMARKS:

1. This permit to appropriate water expires at the end of the 1992 irrigation season. The Director retains jurisdiction to reinstate the permit if drought conditions justify resumption of groundwater use.
2. A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.
3. This right to divert groundwater is void if the surface water right appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
4. The permit holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this permit.
5. The permit holder must employ reasonably efficient methods of water application to conserve the water of the State of Idaho.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. Construction of the well must comply with Idaho well construction standards.
8. This right is subject to all prior rights.

AUG 09 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-11831

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

3rd day of August, 1992.


Go R. Keith Higginson, Director

MICROFILMED
AUG 09 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 10, 1992

L DARWIN MCKAY
DONNA R MCKAY
DBA TURFCO
3220 E LAKE HAZEL RD
MERIDIAN ID 83642

RE: PERMIT NO. 63-11831

LETTER OF TEMPORARY PERMIT APPROVAL

Dear Permit Holder(s):

Enclosed is a copy of your approved permit. Your proposed use of water qualifies for a narrow exception to the Snake River Basin Moratorium established by the Director on May 15, 1992. The exception allows the use of groundwater during the drought to protect agricultural uses which normally have an adequate supply of water. Please carefully review the conditions of approval.

The Department has approved your permit for the 1992 irrigation season. Diversion of groundwater is not authorized after the 1992 season, and the permit expires. The Director may reinstate the permit in a subsequent year if drought conditions persist. You will be responsible for requesting reinstatement during future irrigation seasons.

When your permit expires, you must make the pump and motor inoperable, and cannot operate the pump without approval from the Department of Water Resources.

Your permit is for supplemental use only to augment your surface water supply. If the surface water you own is sold, transferred, leased or used on any other land without the approval of the Department of Water Resources, you automatically lose your right to divert groundwater. You must obtain the approval of the Department before using your water anywhere other than where it has traditionally been used.

In addition, you must fully utilize your available surface water to the extent possible. The surface water need not be fully consumed or diverted prior to use of groundwater. You cannot, however, simply divert token quantities of surface water and rely primarily on your groundwater diversion. Surface water must be your primary source of water.

MICHAEL MCKAY

AUG 09 1994

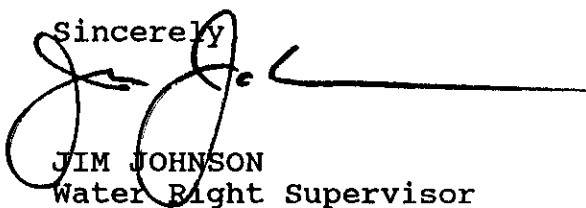
If you want to locate your well closer than 500 feet from an existing well, you must obtain the approval of the Department of Water Resources. We realize that under certain circumstances, it may be impossible to locate the well 500 feet away from another well. You must, however, be cognizant of possible interference resulting from pumping of your well.

If diversion from your well causes interference with other wells with an earlier priority, you may be required to cease pumping or compensate the affected party. Idaho law specifically protects groundwater levels for domestic wells which were in use prior to 1978.

If general water levels in the geographical area of your well decline below reasonable levels, the Department may require you to cease diverting from your well.

You must efficiently apply the water to the land and conserve water to the extent possible. Excessive irrigation, delivery systems with substantial losses, and application methods which cause substantial percolation or evaporation are not acceptable.

Sincerely

A handwritten signature in black ink, appearing to be "Jim Johnson", with a long horizontal line extending to the right.

JIM JOHNSON
Water Right Supervisor

JJ:cz

Enclosure

A faint, rectangular stamp with illegible text, possibly a date or administrative mark.

AUG 09 1994

July 29, 1992

Mr. Herbert Lloyd
1220 Tana Lane
Meridian, Idaho 83642

Mr and Mrs Darwin McKay

TO WHOM IT MAY CONCERN:

On June 14, 1992, a letter was addressed to the Director of the Department Water Resources regarding a concern of Darwin L. and Donna McKay's use of irrigation water.

In that letter it was stated:

We do know that he is applying ground water to land other than the land that is listed on his permit.

At this time the statement was made, it was my belief that Darwin L. and Donna McKay were applying ground water to land other than the land that is listed on their permit. However, the statement is not accurate. The Department of Water Resources has informed me that the McKays are not applying ground water to land other than the land listed on their permit.

Also in the June 14, 1992 letter, the following statement was made:

If you will check the amount of ground water that these wells are pumping for supplemental water, you will find that they are violating their permit rights. They both are using ground water on other land than shown on their permits.

This statement is also inaccurate. The Department of Water Resources had informed me that the McKays are not violating their permit rights.

The June 22nd letter written by me to the Department of Water Resources stated that the McKays have two wells. This may not

RECORDED

AUG 09 1994

July 29, 1992
Page 2

beaccurate. The McKays claim to have only one well. As well, the McKays have made an application for a well to pump .8 cubic feet per second.

At the time I made these statements I believed they were accurate. However, I apologize for any difficulties these statements may have created.

Sincerely,


Herbert Lloyd


AUG 09 1994

LAW OFFICES

RISCH, GOSS, INSINGER & SALLADAY

407 WEST JEFFERSON STREET
BOISE, IDAHO 83702

TELEPHONE
(208) 345-9974
TELEFAX
(208) 345-9982

JAMES E. RISCH
DAVID D. GOSS
R. JOHN INSINGER
G. LANCE SALLADAY
JEFFREY S. FERGUSON

July 22, 1992

Mr. Herbert Lloyd
1220 Tanya Lane
Meridian, Idaho 83642

Dear Mr. Lloyd:

This law firm has been retained by Darwin L. and Donna McKay to represent them. They have brought to me a document dated June 14, 1992, and addressed to the Director, Department of Water Resources which was received by the Department of Water Resources on June 17, 1992. That letter generally contains a complaint concerning the McKays' use of irrigation water. Although your name is not one of the names listed on the attachment to that letter, we are told by the Department of Water Resources that you are the author of the document and that you presented it to the Department. There are false statements contained in that letter which are very damaging to the McKays. In the letter you state on line 6, 7 and 8 on Page 1:

"We do know that he is applying ground water to land other than the land that is listed on his permit."

That statement is false. In addition you state on the last two lines of Page 1 and the first three lines of Page 2:

"If you will check the amount of ground water that these wells are pumping for supplemental water, you will find that they are violating their permit rights. They both are using the ground water on other land than shown on their permits."

This statement is likewise false.

As I am sure you know, there is substantial liability to a person who publishes false statements regarding another person, particularly as it relates to the other persons business, trade or profession. If this letter was drafted by you and published to all the persons whose names are attached and to the Department of Water Resources, there will be substantial liability on your part. We have not completed our factual investigation on this matter, but will do so in the near future.

Mr. McKay has also brought us a document stamped as received by the Department of Water Resources on June 22, 1992, regarding Mr. and

AUG 09 1994

MR. HERBERT LLOYD
July 22, 1992
Page 2

Mrs. McKay's Permit No. 63-11831. The McKays also believe you drafted that document. There appears to be some question as to whether the signatures which you attached to that document were authorized by the persons whose names are subscribed. Specifically there appears to be some question as to whether those people who signed their name intended to protest Permit No. 63-11831. Obviously the protest has serious legal significance and substantial economic consequences to the McKays' business. There appears to be serious misstatements in the June 22, letter also. The first one is already addressed above wherein the document indicates:

"We the following . . ."

A question exists whether those persons identified as "we" actually subscribed to this document as described above. In addition, the protest makes reference to an irrigation well with 4 CFS. The application is only for .8 CFS. The protest also states:

"The McKays already have two wells within this area ..."

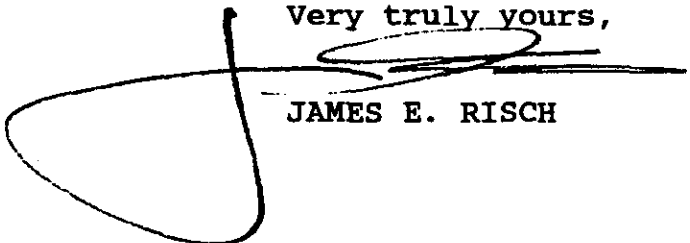
That statement is also false. The McKays only have one well.

We have not completed our investigation on that matter, however, we are studying it.

The purpose of this letter is to put you on notice that the McKays intend to pursue these matters. In addition, I want to advise you that if in fact you are the author of the documents in question, it will be necessary for you to immediately contact all persons to whom you published the false statements including, but not limited to, those persons whose signatures are subscribed to the document and the Department of Water Resources and retract those statements and apologize for the false statements.

As indicated above, we are continuing our investigation into these matters, and we will be consulting with the McKays in the future as to appropriate legal steps to take which of course could include, but not be limited to, any damages for the false statements and damages to their business as a result of slowing up the permit process by the procedures described above.

Very truly yours,



JAMES E. RISCH

JER:tb

AUG 0 9 1992

Namas of People who received letter of Corvctions
and apology

Page 1 of 2

DON DORRIS *D.D.* 7-30-92
805 E AMITY
MERIDIAN ID 83642

TOM OBRIEN *TOB* 7-29-92
5142 S LOCUST GROVE
MERIDIAN ID 83642

HERB &/OR JUDY LLOYD *HL*
1220 TANYA LN
MERIDIAN ID 83642

B C MARTIN *BC* 7-29-92
1135 MARY LN
MERIDIAN ID 83642

HARVEY &/OR BONNIE CADELL
5120 S LOCUST GROVE
MERIDIAN ID 83642 *BC* 7/29/92

BERNICE WARD
1565 E AMITY
MERIDIAN ID 83642 *B.W.* 7/29/92

SHERRY WILKINSON *SW*
1310 MARY LN
MERIDIAN ID 83642 7/29/92

BILL &/OR CONNIE WARD *B.W.*
5115 S LOCUST GROVE
MERIDIAN ID 83642 7/31/92

DONALD R ~~MONETT~~ *Monett*
4715 S LOCUST GROVE
MERIDIAN ID 83642 *D.R.M.* 7-29-92

LINDA BEUS *L.B.*
1440 MARY LN 7-29-92
MERIDIAN ID 83642

JIM BRADY *J.B.* 7/30/92
568 E LAKE HAZEL
MERIDIAN ID 83642

BILL &/OR BONNIE CARSON
4675 S LOCUST GROVE RD
MERIDIAN ID 83642
BC. *B.J.C.* 7-29-92

H NITZ *H.N.* 7-29-92
5445 S LOCUST GROVE
MERIDIAN ID 83642

DONNA L RYSKA *DR* 7/30/92
6109 S TARREGA LN.
MERIDIAN ID 83642

JUDY A BROWN
1800 SUZAN DR
MERIDIAN ID 83642 *J.B.* 7/29/92

DWAIN BROBECH *DB* 7/30/92
5370 S LOCUST GROVE
MERIDIAN ID 83642

BRIAN &/OR MARCIE WHITE *BW* 7/30/92
580 E LAKE HAZEL RD
MERIDIAN ID 83642

ROBERT BUEL *Bush 2004*
1735 E MARY LN
MERIDIAN ID 83642

WALT &/OR GLENDA AMUNDSON
1730 SUZAN DR
MERIDIAN ID 83642 *G.A.* 7-29-92

DOUGL &/OR RANAE HASTINGS
690 E LAKE HAZEL RD
MERIDIAN ID 83642 *DA* 7/30/92

ELDEN &/OR CAROL LEAVITT
1235 MARY LANE
MERIDIAN ID 83642
E.L. 7-29-92

JOHN L &/OR KIM PURVIS
5720 LOCUST
MERIDIAN ID 83642 7-29-92

BRUCE &/OR ROBERTA SCOTT
520 E LAKE HAZEL RD *RS*
MERIDIAN ID 83642 7/30/92

R C WILKINSON
1310 MARY LN
MERIDIAN ID 83642

JIM INGRAHAM *J.I.* 7-29-92
5225 LOCUST GROVE
MERIDIAN ID 83642

GILBERT &/OR BLADYS RICE *Bladys Rice*
1440 MARY LANE
MERIDIAN ID 83642
GR 07-29-82
GR 07-29-82

KENNETH C CLARK *K.C.*
1200 MARY LN
MERIDIAN ID 83642

AUG.

ALAN ROCKEY
2310 E LAKE HAZEL
MERIDIAN ID 83642

Ref 7-30-92

GARY HODGES
2625 E LAKE HAZEL RD
MERIDIAN ID 83642

Jeff 7/30/92

Mobley
JERRY HOBLEY
3000 E LAKE HAZEL RD
MERIDIAN ID 83642

Jo

LOWELL D JARVIS
1875 SUZAN DR
MERIDIAN ID 83642

LDF

DARLENE R STEWART
5495 S LOCUST GROVE
MERIDIAN ID 83642

D.L. 7/29/92

Dear:

Mr and Mrs Darwin McKay:

To show my sincerity of the intent of the letter given to the State Water Resources Board 6-17-92 was to get the State (SWRB) to do their job to manage the domestic and irrigation ground water. I personally apologized to each person and asked them as well as others not to oppose your well permit application.

Please accept my apology

Herbert Lloyd

AUG 6 1992

63-11831

MC KAY, L DARWIN
MC KAY, DONNA R
DBA TURFCO
3220 E LAKE HAZEL RD
MERIDIAN, ID 83642

Source: GROUNDWATER

Diversion Pt: SWSWSE Sec 33 T 03N R 01E in ADA County.

Use: IRRIGATION (.800 CFS)
Total Diversion: (.800 CFS)

Date Filed: 5/14/1992

In: ADA County
T03N R01E S33 SWSE

40.0 ACRES TOTAL

RECORDED

AUG 09 1994

Dear Dept of Water Resources

On the Case of J. Darwin
and/or Donna R. McKay. I do not care
if anyone drills a well for there
use to make a living. I do however
want to be assured that the well
being drilled will not cause pollution
to surrounding wells or aquifers.

Sincerely

Gunda Beuss
1440 Maryln.
Meridian, Idaho
83642

Not a protest to additional diversion.

See condition of approval.

Dnr 8/3/92

RECEIVED
JUL 20 1992
Department of Water Resources
Western Regional Office

RECEIVED
AUG 09 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

RECEIVED
JUL 20 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 14, 1992

Department of Water Resources
Western Regional Office

TO: Protestants on the Attached List, and Applicant

RE: Application for Permit No. 63-11831 in the names of
L. Darwin and/or Donna R. Mc Kay

Dear Interested Parties:

This office acknowledges the receipt of a withdrawal of protest in the above-referenced matter from Mr. Herbert Lloyd. Mr. Lloyd has indicated that he is not certain that those who signed the petition that he submitted did indeed intend to protest the appropriation of water as proposed by Mr. and Mrs. Mc Kay.

Accordingly, this office is requesting notification from those individuals who intend to protest the Mc Kay application. If you wish to be retained as a protestant, please notify this office in writing no later than August 3, 1992. If we do not receive such a confirmation, your name will be removed from the list of protestants.

For your information, the above-referenced application has been modified by the addition of a point of diversion within the NE1/4 SE1/4, Sec. 32, Twp. 3N, Rge 1E, B.M.

Please feel free to contact this office if you have questions concerning this water right application review process.

Sincerely,

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

Enclosure: List of Protestants

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AUG 09 1994

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RECEIVED
AUG 09 1994

CONVERSATION MEMORANDUM

DATE 7/27/92FILE 63-11831NAME OF PARTY Herb LloydEMPLOYEE D. Turhill

RE: _____

Mr. Lloyd brought to the office a letter he had received from Jim Risch on behalf of Darwin McKay, which solicited redress from alleged false statements in a letter that Mr. Lloyd had prepared. Mr. Lloyd asked advice on what he should do.

I responded that it appears that a letter explaining the points of concern in Mr. Risch's letter might be appropriate, to be sent to those who signed the petition. I also recommended that Mr. Lloyd consider retaining counsel in this matter, as it is serious as perceived by Mr. McKay.

Mr. Lloyd stated that he would further consider his options in this matter.

AUG 09 1994

Dor



RECEIVED
JUL 17 1992

3220 E. Lake Hazel Road
Meridian, Idaho 83642
(208) 888-3760

July 17th, 1992

Department of Water Resources
Western Regional Office

DM
To: Western Regional Office of Idaho Water Resources

From: Darwin McKay dba Turfco

Subject: Conditions surrounding application for ground water permit number 63-11831 on the SW of SE of Section 33, Township 3 N, Range 1 E of Boise Meridian.

As an agricultural user of irrigation water, I feel it is necessary to outline the conditions surrounding an application for ground water usage.

The crop we are planning to plant on the fields under this permit is turf grass. From a cultural stand point, grasses are best seeded late summer or early fall. During the summer months we have been keeping the fields clean and preparing for fall seeding. Due to the water availability conditions of this year, my father D.J. McKay in an adjoining section and myself realize that the water available for the land in section 33 for which a permit is being sought would not be available when I would need it. We arranged among the two of us a water transfer of the surface water from those same lands, New York Dist. No. 315004 and No. 315005, to my father to complete crops on his farm under the New York irrigation district with the agreement that I in return could draw from his ground water source the same amount of water to be pumped on germinating grass seeds during the months of August, September, and October if needed. At this time his crops would be mature with little need for ground water.

These arrangements were made prior to a notice which I received entitled Conditions of Approval item No. 3 which says that water cannot be transferred or used in any other place.

By way of summary, the water transfer was made due to the planting period for turf grass occurring at a time when surface water would not have been available. It made sense to put the water to good use when and where it could be used and use water for germination from a reliable source when the crops normally irrigated by that well are either mature or harvested.

Darwin McKay
Darwin McKay dba Turfco

Received
AUG 09 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 14, 1992

TO: Protestants on the Attached List, and Applicant

RE: Application for Permit No. 63-11831 in the names of
L. Darwin and/or Donna R. Mc Kay

Dear Interested Parties:

This office acknowledges the receipt of a withdrawal of protest in the above-referenced matter from Mr. Herbert Lloyd. Mr. Lloyd has indicated that he is not certain that those who signed the petition that he submitted did indeed intend to protest the appropriation of water as proposed by Mr. and Mrs. Mc Kay.

Accordingly, this office is requesting notification from those individuals who intend to protest the Mc Kay application. If you wish to be retained as a protestant, please notify this office in writing no later than August 3, 1992. If we do not receive such a confirmation, your name will be removed from the list of protestants.

For your information, the above-referenced application has been modified by the addition of a point of diversion within the NE1/4 SE1/4, Sec. 32, Twp. 3N, Rge 1E, B.M.

Please feel free to contact this office if you have questions concerning this water right application review process.

Sincerely,

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

Enclosure: List of Protestants

AUG 09 1994

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AUG 6 9 1994

July 14, 1992

TO: Protestants on the Attached List, and Applicant

RE: Application for Permit No. 63-11831 in the names of
L. Darwin and/or Donna R. Mc Kay

Dear Interested Parties:

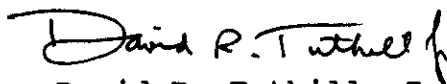
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Please feel free to contact this office if you have questions concerning this water right application review process.

Sincerely,



David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

Enclosure: List of Protestants

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AUG 09 1994

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AUG 6 1980

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DARLENE R STEWART
5495 S LOCUST GROVE
MERIDIAN ID 83642

1994

W I T H D R A W A L

TO WHOM IT MAY CONCERN:

I hereby withdraw my protest of
Application For Water Right to Appropriate the Public
Water of the State of Idaho, No. 63-11831.

Signed at

Boise, Idaho

this 10 day of

July

92
198.

Herbert & Judy Lloyd

Protestant

ATTEST:

Daria R. Tuttle

RECEIVED

AUG 09 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Reg., 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

TRANSMITTAL COVER SHEET

OMNIFAX G661

FAX NO. (208) 334-2348

TO: Donna Calhoun FROM: Sue Taylor
ID Statesman IDWR

DOCUMENT DESCRIPTION: Water right ad

TOTAL PAGES SENT: 2

CONTACT: Sue Taylor
(Name of Sender)

Donna, would you please add this
to our other water rights to be
advertised on the 16th + 23rd.
Thanks,

Sue

AUG 09 1994

NOTICE OF APPLICATION FOR AMENDMENT

Notice is hereby given that application for permit no. 63-11831 in the name of L. Darwin &/or Donna R. McKay was filed on 5/14/92 for the diversion of 0.800 cfs from groundwater with a point of diversion within the SWSWSE, S33, T03N, R01E, B.M. to be used for irrigation purposes.

The permit holder now proposes to amend the permit by changing the point of diversion to include the NESE, S32, T03N, R01E, B.M.

Any protest against the approval of the proposed amendment must be filed with the Department of Water Resources, 2735 Airport Way, Boise, ID 83705 on before August 3, 1992.

R. Keith Higginson, Director

Published in The Idaho Statesman on 7/16 & 7/23/92

AUG 9 1994



100-443414

DON DORRIS
805 E AMITY
MERIDIAN ID 83642

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

AUG 09 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 6, 1992

L. DARWIN &/OR DONNA MCKAY
DBA TURFCO
3220 E LAKE HAZEL RD
MERIDIAN ID 83642

Re: Application for Permit No. 63-11831

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

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

Enclosure: Copy of protest(s)



JUL 9 1992

Ident. No. 63-11874

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: L DARWIN MC KAY
Address: DBA TURFCO
3220 E LAKE HAZEL RD
MERIDIAN ID 83642

208-888-3760

AND/OR

Name: DONNA R MC KAY
Address: DBA TURFCO
3220 E LAKE HAZEL RD
MERIDIAN ID 83642

208-888-3760

2. Source: GROUNDWATER
3. Location of Point of Diversion:

Trib. to:
NWSWSW Sec. 33, Township 03N, Range 01E
SWSWSE Sec. 33, Township 03N, Range 01E

for

CONVERSATION MEMORANDUM

DATE 6/25/92

FILE 63-11831

NAME OF PARTY D McKay

EMPLOYEE JFW, Western

RE: Additional information

Mr. McKay filed Application #63-11874 with me on 6/25/92
appears to have ^{same} P/D as #63-11831

Copy attached.

AUG 09 1994

9. Place of Use: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
03N 01E 33	SWSW 5	SESW 31		36

Total number of acres irrigated: 36

10. Describe any other water rights used for the same purposes.
NEW YORK CANAL SHARES

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

APPLICANT

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

~~APPLICANT~~ Don Albrethsen

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

Long term lease of the property

12. Remarks:

SUPPLEMENTAL USE

13. Map of proposed point of diversion and place of use attached? [X]

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

R. Darwin McKay
Applicant

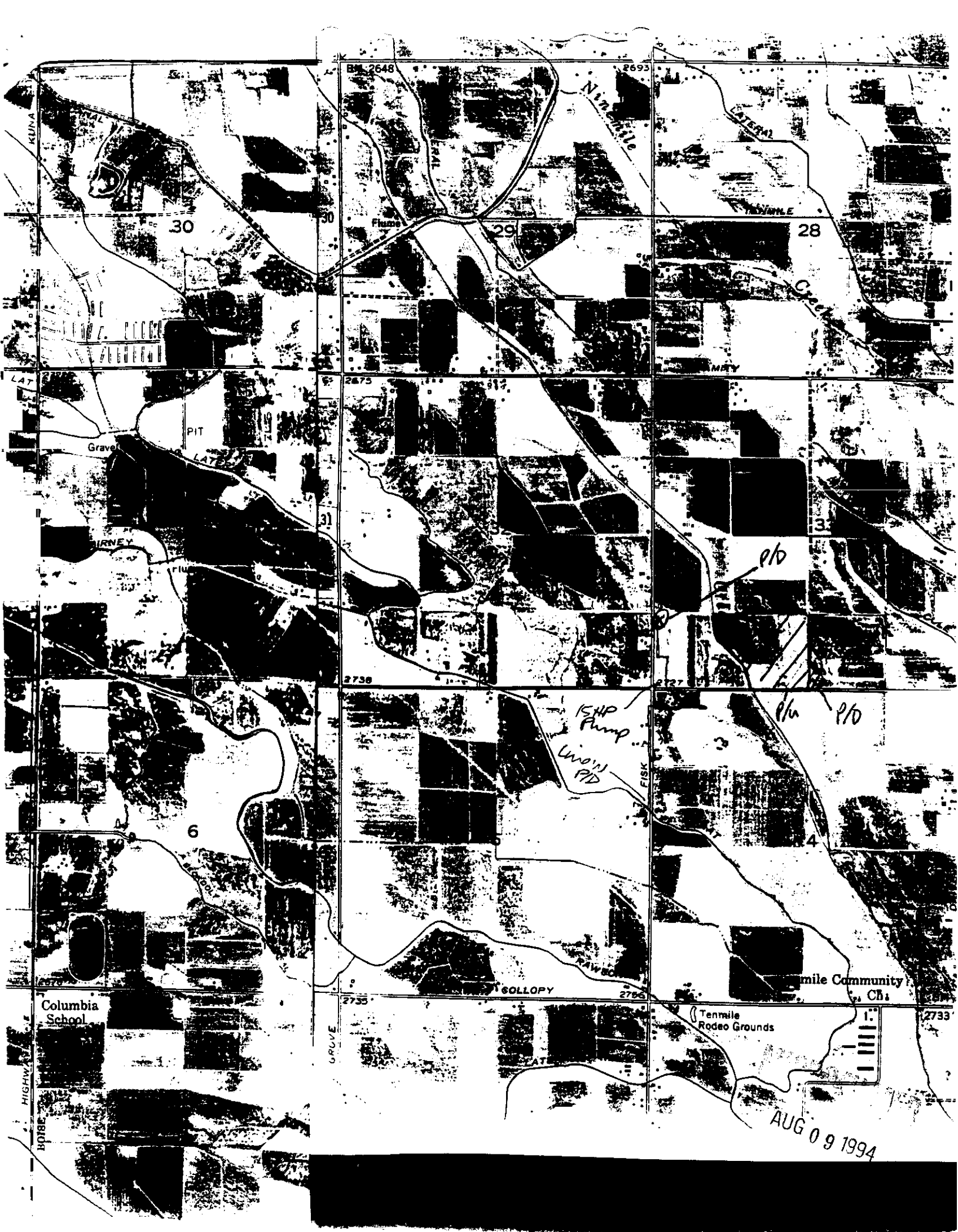
Received by JFW Date 4/25/92 Time 12:00 Preliminary check by _____

Fee \$ 46.00 Receipted by JFW # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

RECEIVED
AUG 09 1994



RECEIVED
JUN 22 1962

Department of Water Resources
Western Regional Office

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

Re: Request by Mr. & Mrs. Darwin McKay for a well
drilling permit No. 63-11831

We the following oppose the drilling of the subject well and any others in this area for agricultural use. These wells draw from our domestic ground water aquifers and will cause great problems for the future. An irrigation well of 4 cfs will pump 2,606,808 gallons per day.

The McKays already have 2 wells within this area which are mainly used to irrigate their turf farm and not for food products.

Thank You

RECEIVED

AUG 09 1994

Property Owner	Location Sec. T. R. B.M.	Well Problems
Don Harris 6-14-92	805 E amity Meridian our place is right next to Joe Murgotio's place.	Our well two weeks ago quit pumping water. When it ~~was~~ used continually for more than 45 minutes there is no more water to pump. We have to use our water sparingly and cannot use it that we need to keep house and yard maintained.
Bruce C. Madi	1135 Mary Lane 1/4 mile to Murgotio Property line	Drawing static water line down
Sherry Wilkinson	1310 Mary Lane 1/4 m. No of Murgotio's	No well problems at this time however I have not watered my lawn due to concerns over water table
Quinda Beus	1440 Marglane 1/4 m. No of Murgotio's	Concern about water pollution!
Debbie H. Nitz	5445 S Locust Grove Meridian 1/4 mile No. of Murgotio	Concern about water Pollution and draining all of the domestic Water-sources
Dwain Broek Jan Broek	5370 S. Locust Grove Meridian 1/4 mi. No. of Murgotio	Concerned about drop in water table as well as several neighbors lowering pumps drilling new wells
Walt and Glenda Amundson	1730 Suzan Dr. Meridian 1/4 mi No. of Murgotio	just spent approx \$2000 drilling a new well because old well sanded in because of drop in water table.
Jim & Patti Kim & Patti	5229. South Road Meridian 1/3 rd North of Murgotio	Had to replace our water pumps and our water level is low our pressure in our water tank has been low

AUG 09 1994

(See other side)

PROPERTY OWNERS

- well PROBLEMS

Jim Ferguson 5225 ~~5~~ Locust Grove Rd
~~5~~ Meridian

1/3 of mile cont of water pollution

Tom O'Brien
Meridian

5142 S. Locust Grove Rd
Meridian

HAVE REPLACED MY WELL ONCE AND MY TANK ONCE TO DEE TO SAND AND LOAM WTR TABLE. I DON'T EXPECT THIS SITUATION TO IMPROVE UNLESS OUR WTR TABLE AT DOMESTIC LEVELS IS IMPROVED BY NOT ALLOWING IRRIGATION FROM OUR AQUIFER.

Harvey & Bonnie
Cadell

5120 S. Locust Grove Rd
Meridian

I believe irrigation wells should be carefully monitored for detrimental effects on domestic wells and possible pollution potential. Regulations should be adhered to strictly to prevent hardships.

Bird & Connie
Hard

5115 S. LOCUST GROVE RD.
MERIDIAN, ID.

"We are specifically concerned about the probable pollution of the aquifer involved and directly affected by the location and construction of Mr. Murgott's well. Also, we feel that these wells and the proposed new well should be monitored to make sure they adhere to the conditions of their permits."

Jim Brady

568 E. Lake Hazel

RECEIVED

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I haven't noticed any problem with my well yet. I do feel that permits should be monitored & enforced, however. Amounts of water taken from the area need to be monitored for future needs.

property owner

Address

well problem
Page 2 of 4

Donna L. Ryska

6109 S. Tarrega Ln.
300 yd. S. of Murgitio

1. low water pressure
cant use outside water at the same time I am using household water
2. water level is off.
3. have had to lower pump.
4. put in new pump.
5. pumping sand

Brian & Marcie White

580 E. Lake Hazel Rd

I am very concerned about potential water problems due to the descending water table. I believe that the irrigation wells should be monitored closely and that domestic wells should have precedence.

Rene & Doug Hastings

690 E. Lake Hazel Rd

At this point we have not had problems, but we have some concern about it. We have family that farm and will concern for the farms.

Bruce & Roberta Scott

520 E. Lake Hazel Rd.

As the wells mentioned haven't depleted my domestic water yet, my chief concern is that the deep wells do not introduce contamination to my well's aquifer.

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(see other side)

~~Gilbert~~ Rice
Bladys Rice

1440 Mary Lane
1440 Mary Lane

I have had some
well problems
Am concerned
That all aquifers
could be contam-
inated by Type
casing used in
The new perforat-
ed casing and
backfilled with
Gravel - This
Mixes All aquifers
Drilled Through,

Herb and Judy Lloyd
888-2901

1320 Tonya Lane (1/4 mile NW of
Mr Muriquias irr. well)

We are concerned with the
effects that wells like these
have on the contamination of
the ground water for
domestic use and also how
these type of wells cause
problems to the domestic
wells by draining the upper
aquifers into the lower
aquifers which most irrigation
Pumps Pump from.

Bernice Ward

1/2 M. N of Well
1565 E. Amity

I am concerned
about the lowering
water level. I have
just had a new well
drilled because of
lowering water level.

Donald R. Mondt

4715 S. Locust Grove Rd

Bill & Bonnie Carson 4675 S. Locust Grove Rd.

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AUG 09 1984

(See other side)

all considerations
should be made at
this time of our
severe drought. Our
water level has dropped
considerably within
the last 3 months.
~~of our~~ of our well
will be dry

Property Owner
Judy H. Brown

Location
1800 Suzan Dr.
1/4 mile north of
Murgoitio's well

Comments
Concerned because he is
drawing from aquifers
from 60' down to 385'
which could cause
problems to my domestic
well and could contaminate
ground water

Robert Buck

1735 E. Mary Lane

Water is too valuable
to go beyond our
understanding of allocation
and regulation of that
allocated

Eden + Carol Hewitt

1235 Mary Lane
1/4 mile NW of
Murgoitio's pump

Our domestic water
has dropped 20'
in the last month.
Our water supply to
our home is of great
value to us we are
concerned about being
forced to redrill our
well because of Mr.
Murgoitio's irrigation.

R. C. Wilkinson

1310 MARY LANE.
1/8 MILE FROM MR. MURGOITIO
Well.

IT IS PLAIN TO SEE THAT WITH THIS
TYPE OF WELL AND USE THAT THEY WILL
DRAIN THE AQUIFER, AND CREATE
A HARDSHIP FOR US THAT DEPEND
ON WELL WATER FOR DOMESTIC USE.
RCW.

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(See other side)

Kenneth C. Clark

1200 Many Lane
1/4 mile to
Mugotio's
Place

Low pressure at
various times,
Air in line at
times, Had Wayne
pump up to lower
pump, didn't at this
time due to 4" case
was afraid it would
break off. Concerned
about Pollution of
water —

Alan Rocky
Renter 2 1/2 yrs.

2310 E. Lake Hazel

- Water pressure is lower
this year. Concerned about
Pollution of ground water.

GARY Hobbins

2625 E. Lake Hazel Rd

- am concerned
about water table
dropping and pollution
of the water.

Jerry Mobley

3000 E. Lake Hazel Rd

- In general I'm concerned
about the number of wells
being drilled for Ag. irrigation,
without concern for domestic
wells. I feel some well regulation
is OK, but it should be
monitored and
restricted to a certain degree.
In addition, if domestic wells
go dry, Ag. irrigation should
replace them wells. I had
to lower my pump this spring to
maintain water flow

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(See other side)

Lowell O. Jarvis - 1875 Lyon Dr.
Meridian, Id 83642

Page 4 of 4

I am concerned that
unregulated irrigation
pumping will draw
down the water table
to the domestic wells
in the area.

Carlene K. Stewart 5495 So Locust Grove
Meridian Idaho
83642

It is important to
protect the domestic
wells of this area. The
large wells will draw
down the water level
of the wells in this area.

RECEIVED
AUG 09 1994

888-7901

RECEIVED
JUN 17 1992

14 June 1992

Director, Department of Water Resources
Western Region, R. Keith Higginson Attn: Dave Tuthill
2735 Airport Way,
Boise, Idaho 83705

Department of Water Resources

RECEIVED
JUN 18 1992

Dear Sir:

Department of Water Resources
Western Regional Office

We are concerned about the effects that the farm irrigation wells are having on our domestic water aquifer. The irrigation wells that we know of in our vicinity are Mr. Darwin L. McKay's in Section 33, T3N, R1E, B.M. and Mr. Joe Murgoitio's in section 32, T3N, R1E, B.M. Mr. McKay in 1991 sold his storage water and used ground water and we don't know what he is doing this year. We do know that he is applying ground water to land other than the land that he listed on his permit. Mr. Joe Murgoitio drilled a well in 1991 and started to pump in July. The domestic well water aquifer dropped within the area within 9 days and some people's pumps burnt up. When he shut his irrigation pump off in 1991 the well static water levels then recovered as verified by measurements of the water table. Some of the domestic wells are being monitored this irrigation season to verify the effects of these large wells on our domestic water aquifer. The State of Idaho permits do not appear to be clear with regard to how much irrigation supplemental water these farmers are entitled to get from irrigation wells along with their federal storage water rights.

We will use Mr. Murgoitio's well permit as an example as we have a copy of his permit and drill log. Mr. Murgoitio applied for a permit to pump supplemental ground water to serve approximately 192 acres. The permit stated that he was entitled to a maximum supplemental ground water of .02 AF/AC. If you multiply .02 AF/AC X 192 AC he is entitled to 3.84 AF/AC annual total irrigation water from his well. The 3.84 AF is a total of both storage and ground water if this property is part of a Federal Irrigation Project. We will assume that the farmers' irrigation district water allotment for 1992 to be 1 AF/AC; therefore he would have a permit to pump 2.84 AF/AC supplemental irrigation ground water.

Mr. Murgoitio's pump permit is for a pump capacity of 150 inches which equals 6 AF/AC per day. The volume of water that he is entitled to for 1992 would be 2.84 AF/AC X 192 AC = 545.28 AF. Based on his irrigation pump capacity of 6 AF/AC/day the number of days he is entitled to pump supplement water for 90.88 days which is derived by: 545.28 AF / 6 AF = 90.88 days. If his pump was turned on April 1, 1992 and runs continuously his pump should be shut off on June 30, 1992.

We didn't get a copy of Mr. McKay's supplemental ground water permit but assume his is similar to Mr. Murgoitio's. If you will check the amount of ground water that these wells are pumping for

AUG 09 1994

supplemental water you will find that they are violating their permit rights. They both are using the ground water on other land than shown on their permits.

We request that your office please measure the capacity of these irrigation pumps along with any other pumps within the area and require them to stop pumping once they have used the amount of irrigation water allowed on their permits. If they say that they don't run the pump continually you can calculate the number of days by using the power meter reading and determine the days used, as you know the horsepower of the pump and the head lift.

Example of the volume pumped by Mr. Murgoitio's irrigation well versus the amount used per family of five. The rule of thumb is that every member of a family uses 40 gallons per day which a family of five uses 200 GPD. Mr. Murgoitio's irrigation well pumps 1,955,106 GPD or the amount of 9,775 families (five member family average). We have nothing against farmers as some of us are farmers, but we can not do without our domestic water.

We have a question to the validity of wells drilled and developed such as Mr. Murgoitio's which doesn't meet state codes regarding contamination of the ground water aquifer at multiple levels. His well drains all the water aquifer from 60' to 385' together as one mixture. You have indicated your concern on the news media of the problem of ground water contamination but yet approved the drilling of wells which is a direct violation of the state code. These types of wells also drain the water out of the upper water aquifer as the water table drops and cause problems to the domestic wells as they are not usually drilled as deep as an irrigation well.

Conclusion:

1. We ask that your staff measure the pump capacities of these and other supplemental irrigation wells within our area which may be affecting our domestic water supply wells.
2. Inform the owners of irrigation supplemental wells of their water entitlement and enforce them to shut off the pump once they have used their water entitlement.
3. Notify the owner of these irrigation wells that the Idaho State Law Protects the domestic wells drilled prior to 1978 and that they are liable for costs incurred due to their irrigation wells.

cc: State office of the Department of Water Resources
Attn: George Austiguy
1301 N. Orchard
Boise, Idaho 83706

*Attached: Four pages of Signatures
Mr Murgoitio's Drill Log*

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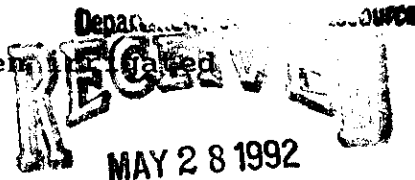
63-11821

MORATORIUM EXEMPTION QUESTIONNAIRE

IF YOUR APPLICATION PROPOSES AN IRRIGATION USE, PLEASE
COMPLETE AND RETURN THE FOLLOWING:

- Has ALL the land you propose to irrigate been irrigated
with surface water in the past?

Yes



- Do you summer fallow any of your irrigated land? If
so, how many acres?

No

Department of Water Resources

- List the water right(s) you have used to irrigate the
land listed on the application. If you have received
water from a canal company or water district, please
identify the name of canal or water district.

New York Irrigation Reuse Project
315004
315005

- During the last ten years, how many years has your
surface irrigation water been available for the entire
irrigation season?

6 yrs

- What crops have you grown in the past ten years?

Corn, Certified grain seeds, Turfgrass sod Alfalfa Hay

I understand if my proposed diversion of groundwater is
approved as a supplemental use, that I can only use my well
during periods of drought, when a full supply of water is not
available. I also agree that my surface water will be fully used
to the extent available, will not be sold or used on other lands,
and that a change in use of my surface water may result in
revocation of any groundwater right granted pursuant to my
application for supplemental water.

Dated this _____ day of _____, 1992.

(Please sign)

Donna R. McKays

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

\$105.75

Account Number 47628		Identification NOTICE OF APPLICATION FOR WATER RIGHT	
Ordered By Gail Garrett	P.O. Number	Rate NT	Run Dates June 4, 11, 1992
State of Idaho Department of Water Resources Western Region 2735 Airport Way Boise, Idaho 83705		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 2343

Department of Water Resources
Western Regional Office

KAREN MARKER

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:

63-11825

SCHOOL DISTRICT No 2
911 MERIDIAN ST
MERIDIAN, ID 83642
Source: GROUNDWATER
Diversion Pt: NENW Sec 12 T 03N R 01W in ADA County.
Use: IRRIGATION
Total Diversion:
Date Filed:
In: ADA County
T03N R01W S12 NENW
18.0 ACRES TOTAL

63-11831

MC KAY, L DARWIN
MC KAY, DONNA R
DBA TURFCO
3220 E LAKE HAZEL RD
MERIDIAN, ID 83642
Source: GROUNDWATER
Diversion Pt: SWSWSE Sec 33 T 03N R 01E in ADA County.
Use: IRRIGATION
Total Diversion:
Date Filed:
In: ADA County
T03N R01E S 33 SWSE
40.0 ACRES TOTAL

63-11834

TAYLOR, CHARLES B
4200 S HAPPY VALLEY
KUNA, ID 83634
Source: GROUNDWATER
Diversion Pt: NESW Sec 6 T 01N R 01W in ADA County.
Use: IRRIGATION
Total Diversion:
Date Filed:
In: ADA County
T01N R01W S06 Lot 5(SWNW) SENW NESW Lot 6(NWSW)
120.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before JUNE 22, 1992.
R. Keith Higginson, Director
Pub. June 4, 11, 1992

being duly says: That she is the Principal Clerk of The daily newspaper printed and published at Boise, Idaho, and having a general circulation therein paper has been continuously and uninterruptedly during a period of twelve consecutive publication of the notice, a copy of which is said notice was published in The Idaho City with Section 60-108, Idaho Code as TWO

☐ consecutive daily ☐ single ☐ odd skip

with the issue of JUNE 4, 1992

issue of JUNE 11, 1992

Karen Marker

ss.

day of JUNE in the year of me, a Notary Public, personally appeared MARKER, known or identified to whose name subscribed to the within instrument, duly sworn, declared that the statements therein added to me that she executed the same.

2343

Notary Public for Idaho

Residing at BOISE, ID

My commission expires: 11-27-97

AUG 09 1994

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due
\$30.00

Account Number 047628		Identification NOTICE OF APPLICATION FOR AMENDMENT 63-11831	
Ordered By Sue Taylor	P.O. Number	Rate NT	Run Dates July 16, 23, 1992
Department of Water Resources Western Resion 2735 Airport Way Boise, Idaho 83705		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 2651

[Stamp]
JUL 21 1992

Department of Water Resources
Western Regional Office

LEGAL NOTICE NOTICE OF APPLICATION FOR AMENDMENT

Notice is hereby given that application for permit no. 63-11831 in the name of L. Darwin &/or Donna R. McKay was filed on 5/14/92 for the diversion of 0.800 cfs from ground-water with a point of diversion within the SWSWSE, S33, T03N, R01E, B.M. to be used for irrigation purposes.

The permit holder now proposes to amend the permit by changing the point of diversion to include the NESE, S32, T03N, R01E, B.M.

Any protest against the approval of the proposed amendment must be filed with the Department of Water Resources, 2735 Airport Way, Boise, ID 83705 on or before August 3, 1992.

R. Keith Higginson
Director
Pub. July 16, 23, 1992

2651

KAREN MARKER

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

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of JULY 16, 1992

and ending with the issue of JULY 23, 1992

Karen Marker

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 23RD day of JULY in the year of 1992 before me, a Notary Public, personally appeared KAREN MARKER

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.

[Signature]
Notary Public for Idaho

Residing at BOISE, ID

My commission expires: 11-27-93

AUG 09 1992