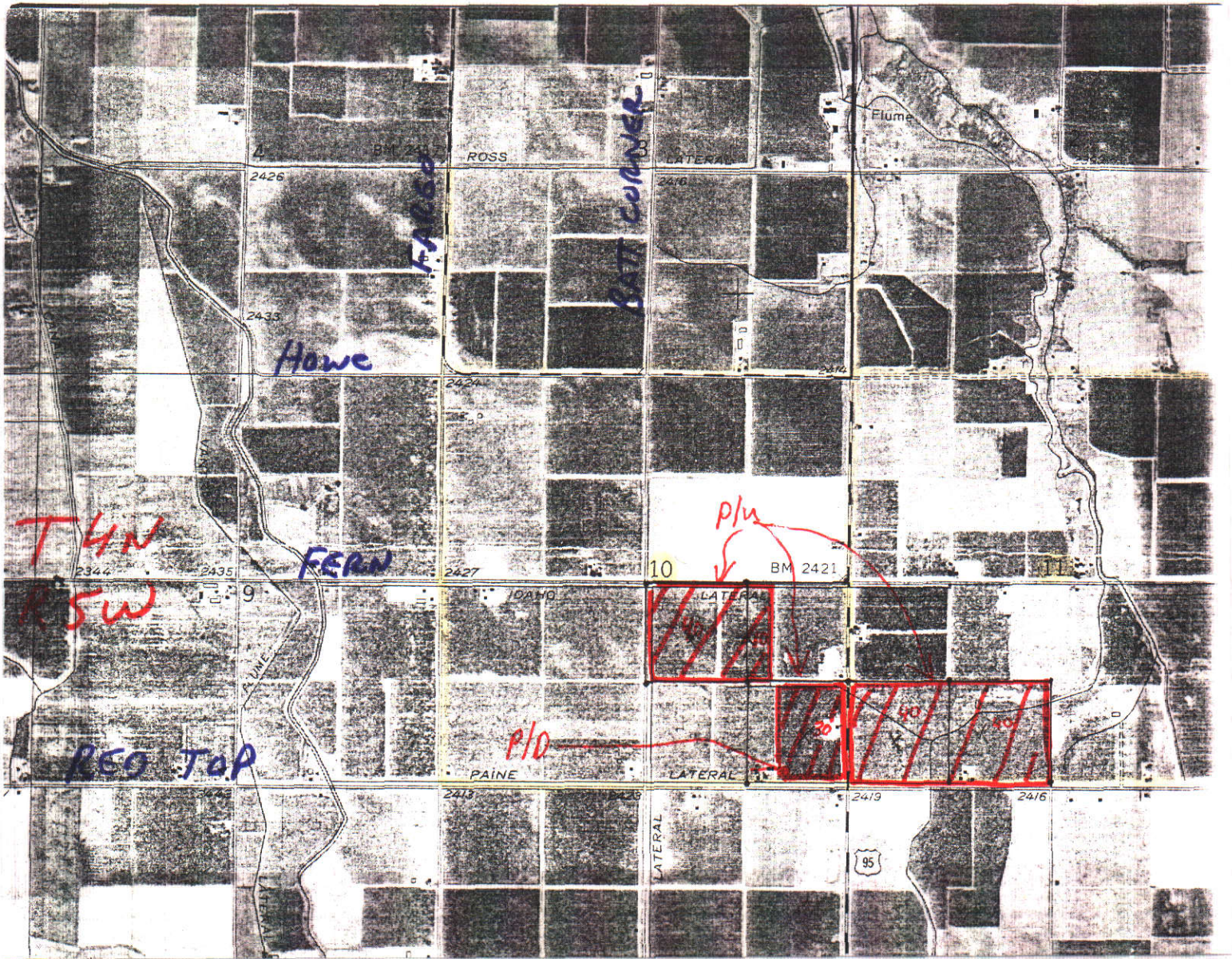


Show 40-acre subdivisions, townships, ranges and ditches.



Signed at Boise, this 15th day of July, 19 91.

Ray Chendorf
(Signature)
TITLE: President

Preliminary check by LW Fee = \$20.00 #W 013444
7/15/91
SL
Received by _____ Date _____

Publication prepared by JH Date 7/31/91
Published in Press-Tribune

Publication dates 8/7 & 8/14/1991

I, L. GLEN SAXTON, of the Department of Water Resources hereby approve the above referenced application for amendment of Permit No. 63-11474.

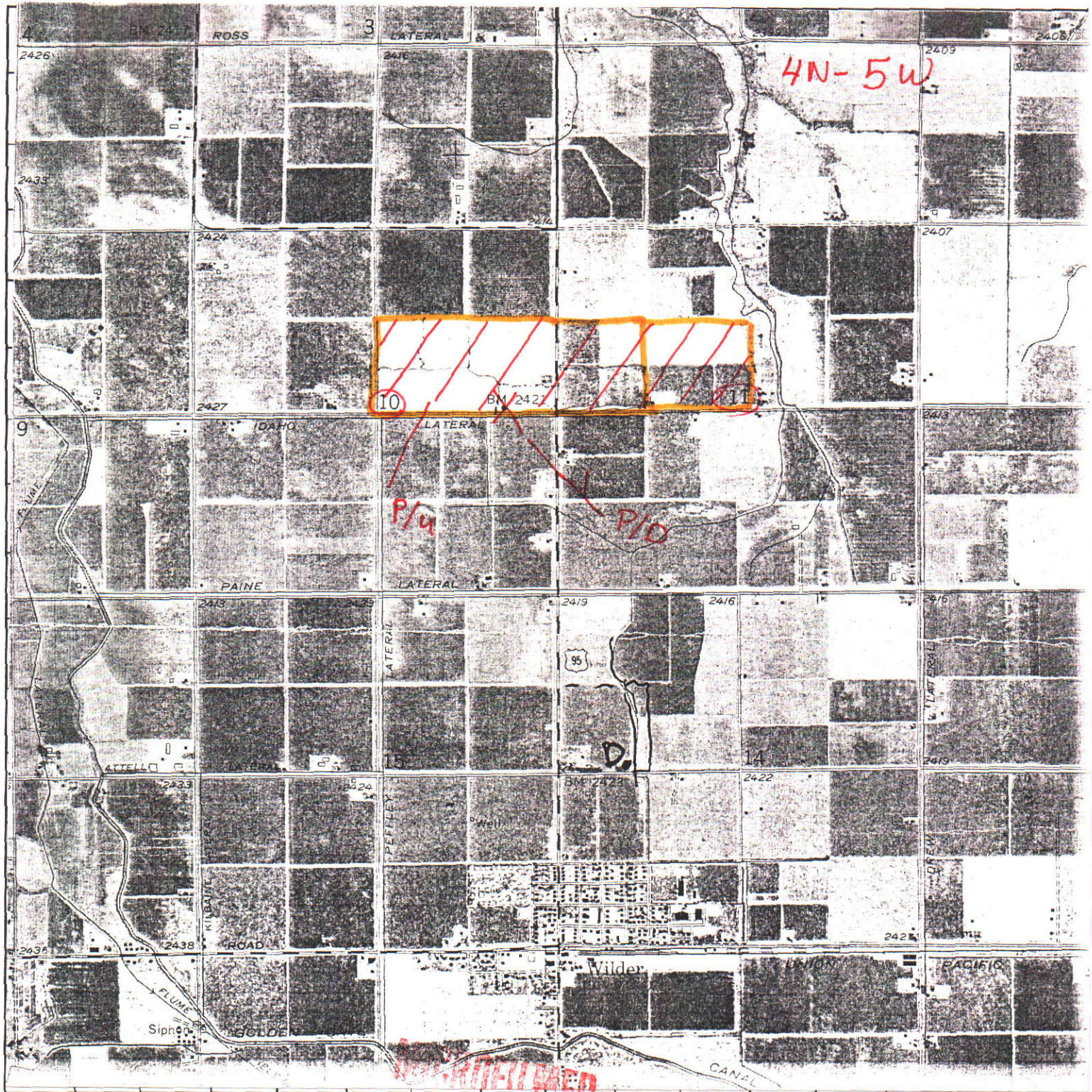
See Final Order Adopting Proposed Memorandum Decision and Order for conditions of approval.

Witness my hand this 15th day of May, 19 92

19 92
L. Mun Saxton
Chief, Water Allocation Bureau

MICROFILMED

MAY 20 1992

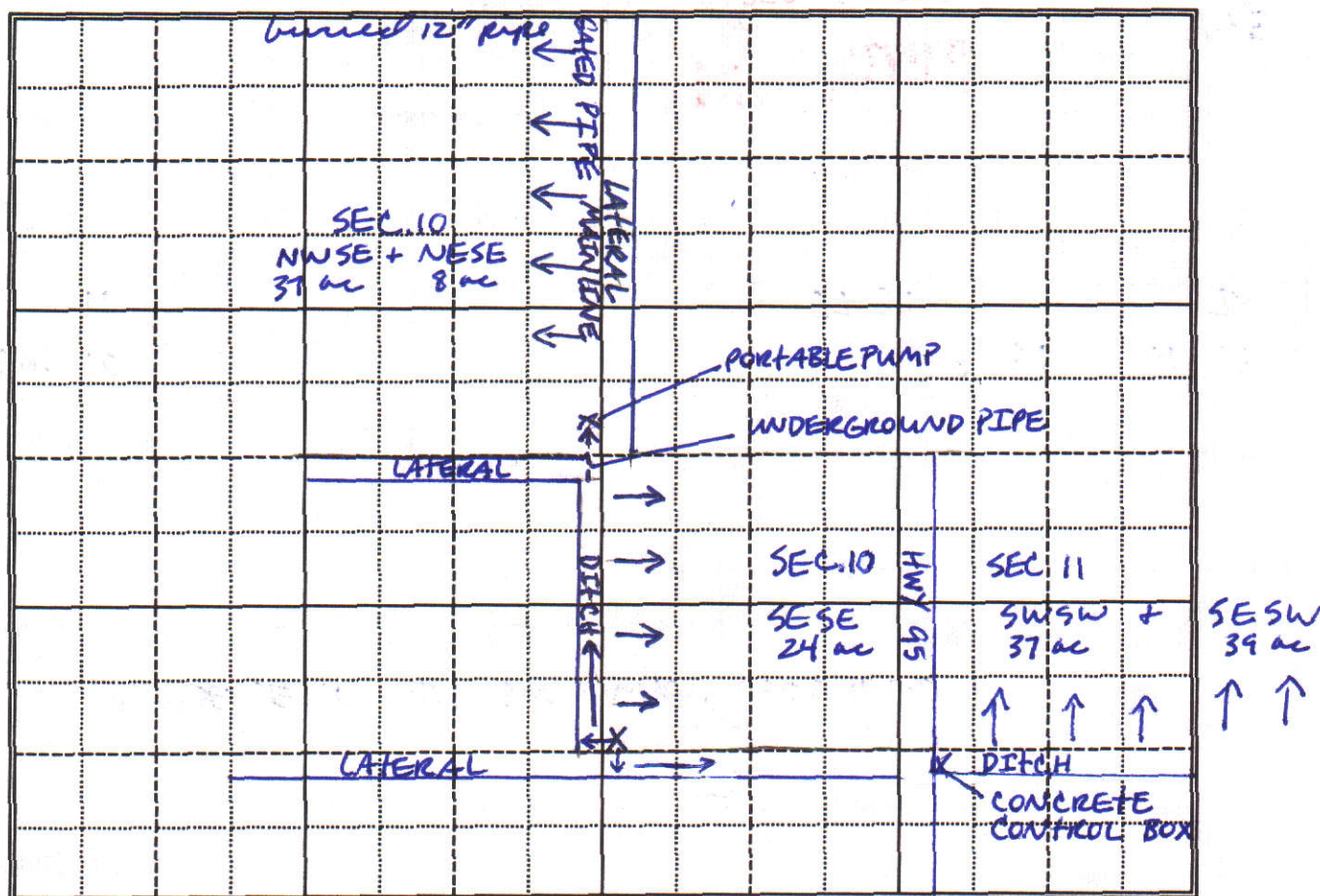


Scale: 2 inches equal 1 mile.

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.

Kim Raucher Inc.
(Applicant)
By Ray Choudry

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	US ELECTRIC	150	C2684-01-2-2475	FRANKLIN	16"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

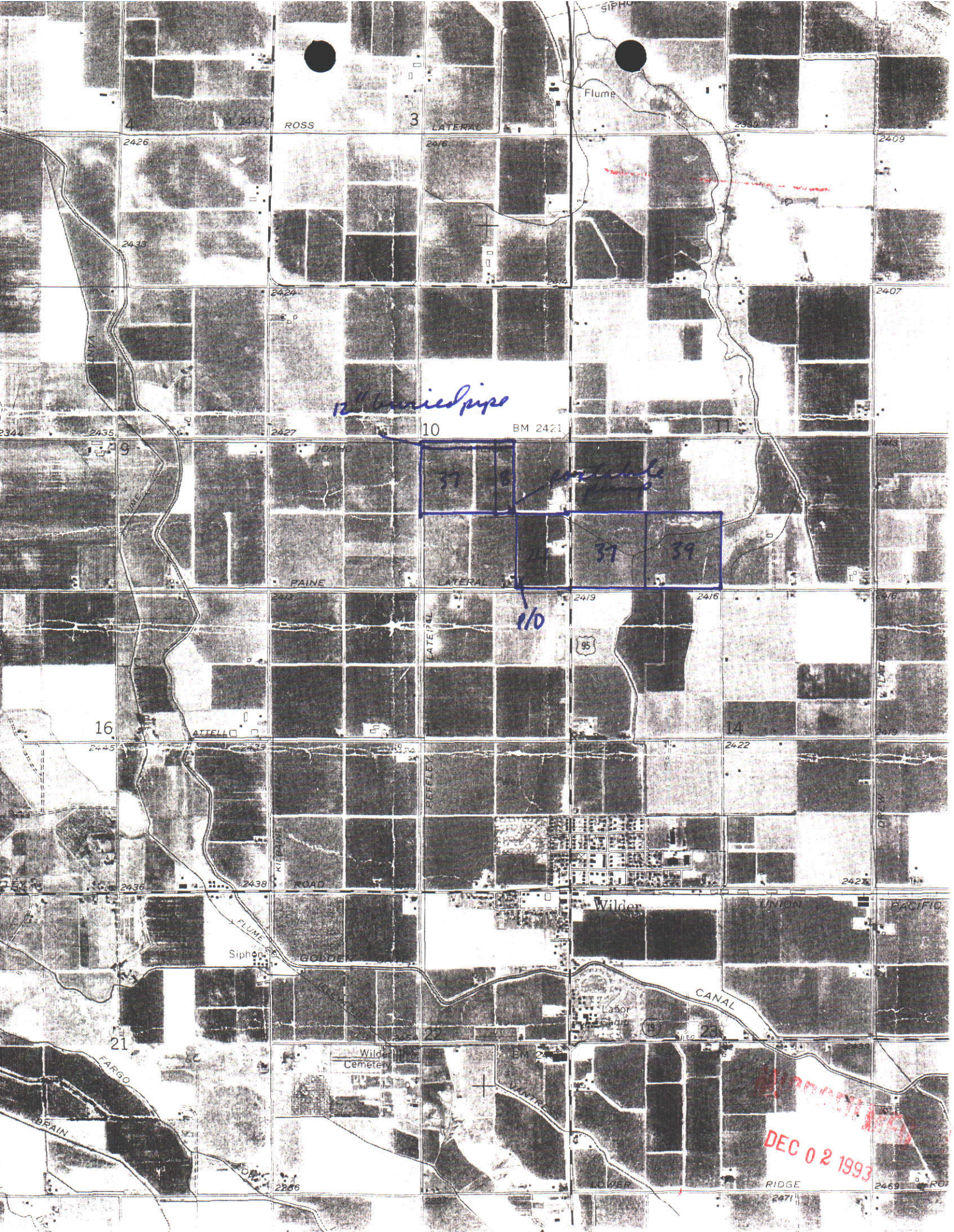
1.

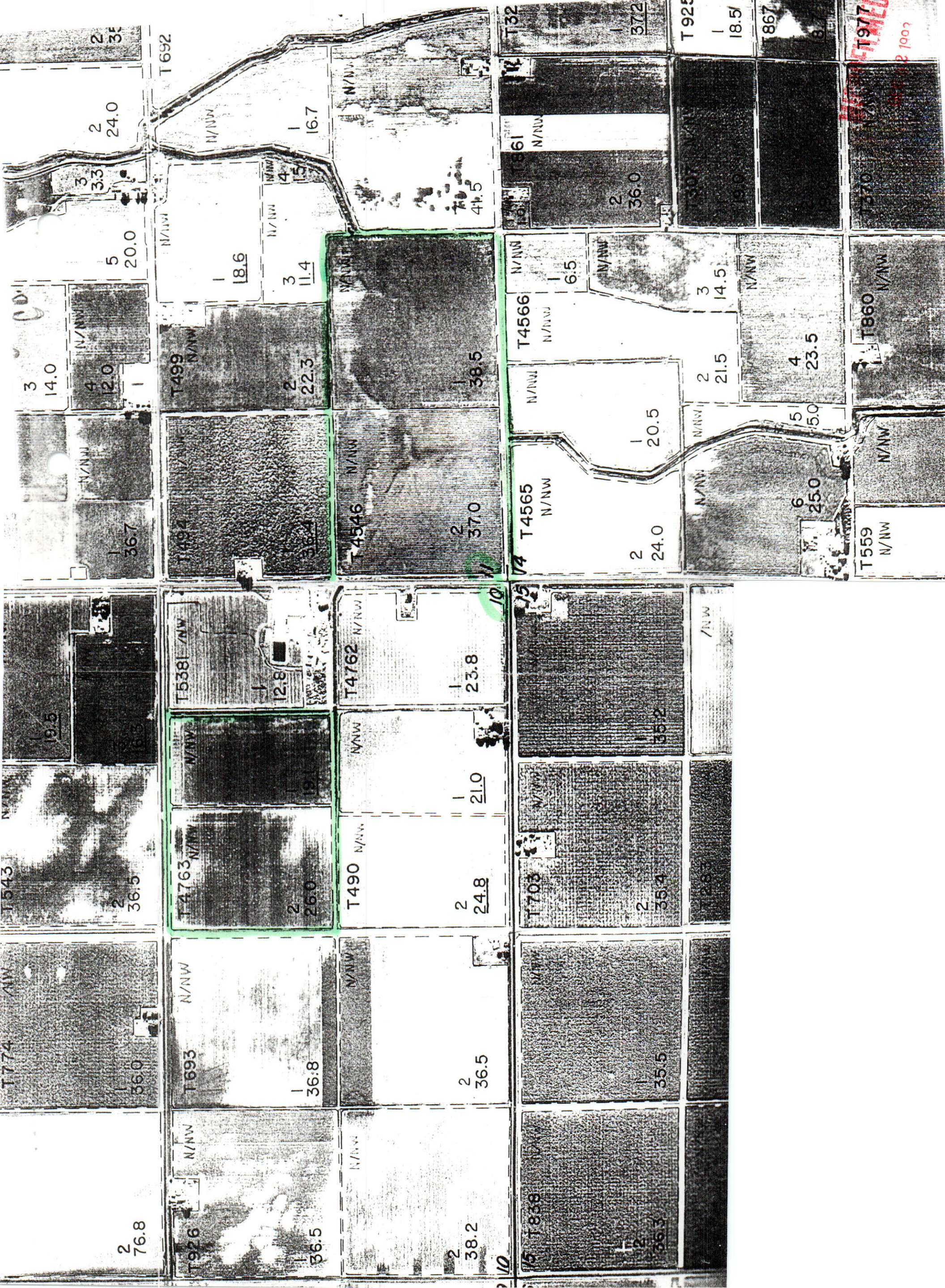
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
ULTRASONIC FLOWMETER						

2. Measurements: 3.87 cfs per 1991 Wilder Groundwater Study

UNRECORDED

DEC 02 1993





DISCHARGE PIPE + LATERAL to
SEC 11 + SEC 14
Permit # 63-11474



DISCHARGE PIPE + DITCH FOR
SEC 10

150 HP WELL + PUMP



N $\frac{1}{2}$ SE, SEC 10

DEC 02 1993



Permit # 63-11474



IRR HOR FIELD - SESE sec 10

lateral used to
deliver GW to sec
11 + 14

SWSW irrig area
in sec 11 +
concrete control
box

Minneapolis

DEC 02 1993

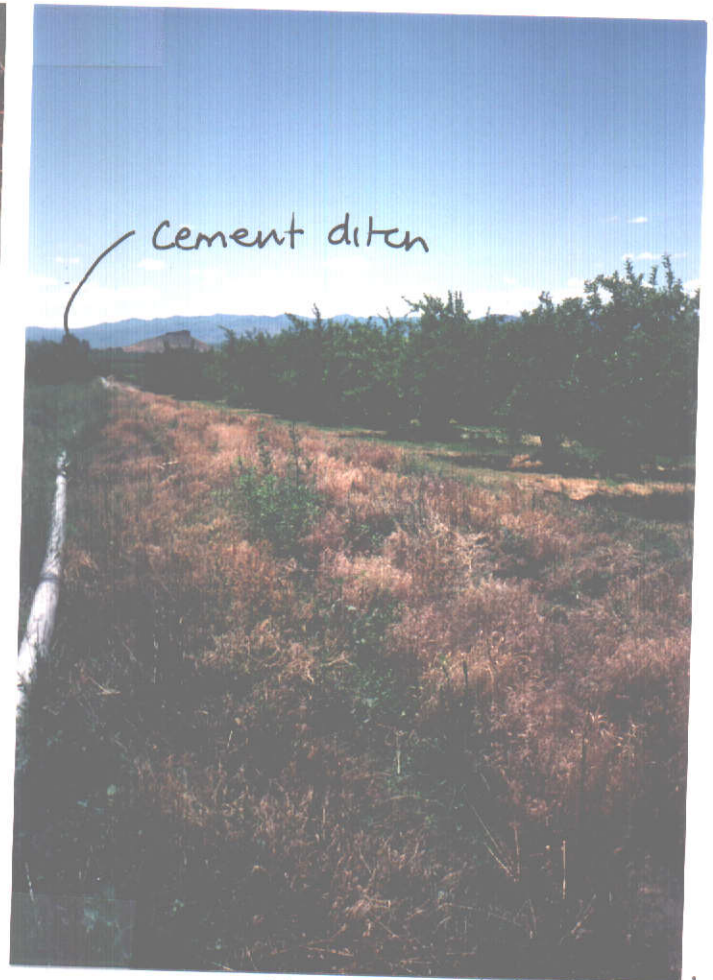


63-11462

6/8/93



1. P/D



2. P/u in NWNW & SWNW.
Cement ditch in background
serves SWNW S23



3. P/u in NWNW S23.
Mainline shown
coming up to ditch.
Also shown is
pipeline which
takes water south.

DEC 02 1993

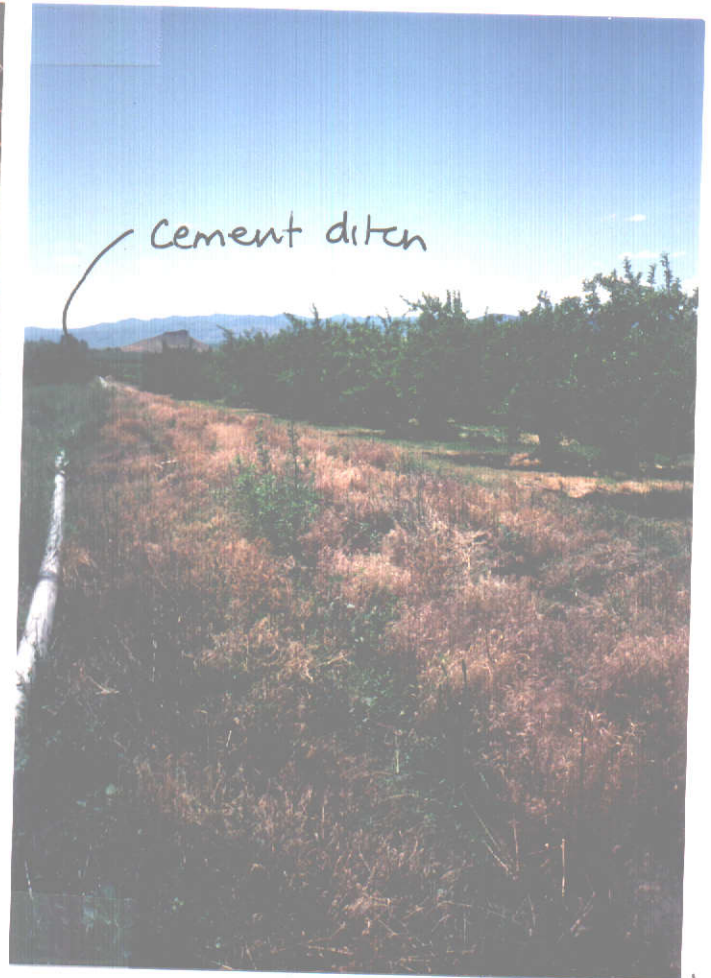
DEC 02 1993

63-11462

6/8/93



1. P/D



2. P/u in NWNW & SWNW.
Cement ditch in background
serves SWNW S23



3. P/u in NWNW S23.
Mainline Shown
Coming up to ditch.
Also shown is
pipeline which
takes water south.

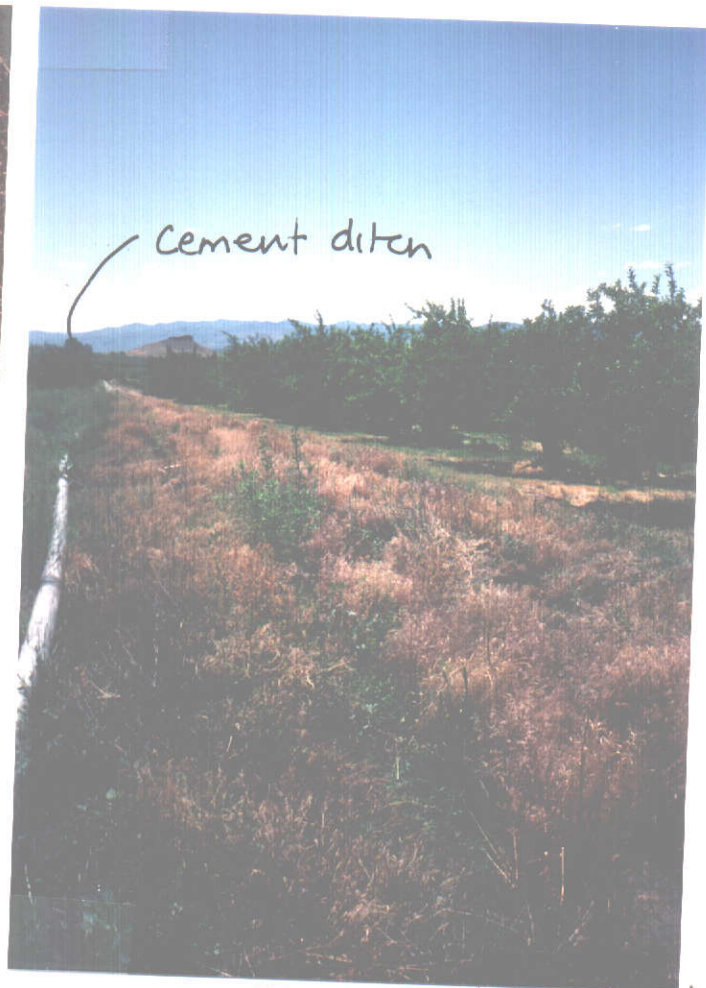
DEC 02 1993

63-11462

6/8/93



1. P/D



2. P/u in NWNW & SWNW.
Cement ditch in background
serves SWNW S 23

DEC 02 1993



3. P/u in NWNW S 23.
Mainline Shown
Coming up to ditch.
Also shown is
pipeline which
takes water South.

RECEIVED

AUG 27 1991

Department of Water Resources
Western Regional Office

Sept 24, 1991

David R. Tuttle, Jr. P.E.
Manager Western Regional Office
Airport Way,
Boise, Idaho 83705

Dear Sir:

This is to inform you that we are
protecting the Application Number 63-11474
and to Amend Number 63-11551.

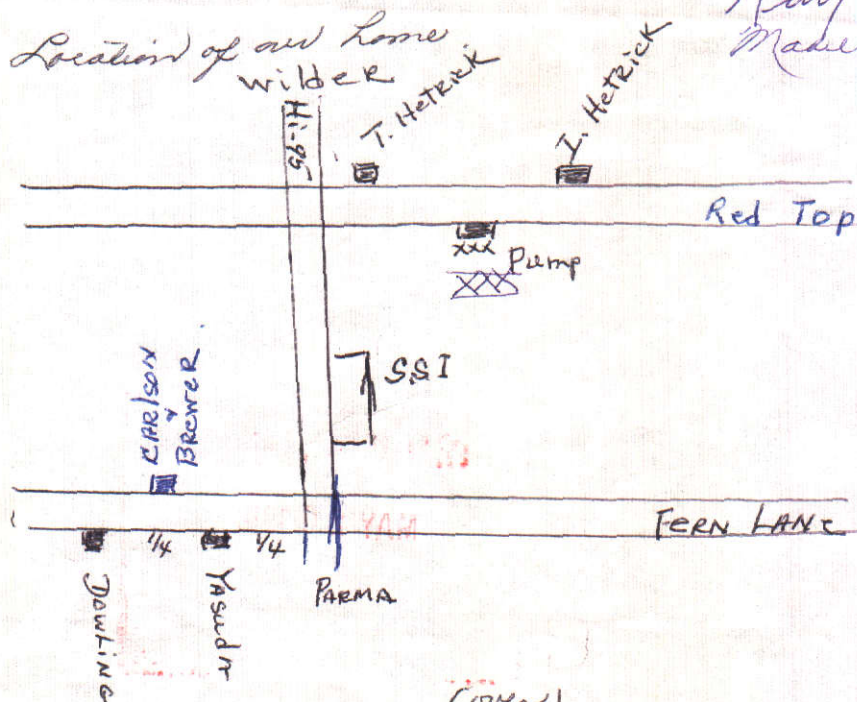
We moved to our present home in 1952.
Our well is 258 ft. deep and our intake
is 85 ft. In July we had to lower
the intake valve to another 20 ft.

We are concerned about the increase
in pumping water will lower our water
table and cause more problems.

Please keep us informed as what is
being done.

Sincerely,

Kay Yasuda
Mae Yasuda



(over)

REPROFILMED

SEP 20 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-11474

Priority: February 8, 1991

Maximum Diversion Rate: 2.90 CFS
Maximum Diversion Volume: 652.5 AF

This is to certify, that RIM RANCHES INC
24034 BATT CORNER RD
PARMA ID 83660

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated February 8, 1991; and
has submitted Proof of Beneficial Use on March 4, 1993. An examination indicates
that the works have a diversion capacity of 3.870 cfs of water from a **GROUNDWATER**
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.90 CFS	652.5 AF

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 10, Township 04N, Range 05W
CANYON County

PLACE OF USE: IRRIGATION
TWN RGE SEC

	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 05W 10	NESE 8	NWSE 37	SESE 24	69
11	SWSW 37	SESW 39		76

Total number of acres irrigated: 145

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

RECORDED
DEC 02 1993

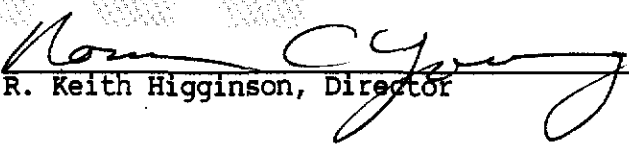
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 63-11474

CONDITIONS/REMARKS:

6. The right holder is responsible to ensure that pumpage under this water right does not cause the water level in any irrigation or commercial well to exceed the reasonable pumping level, unless the holder of the prior water right receives reasonable compensation or mitigation for the reduced water level caused directly or indirectly by the withdrawal of water under this right.
7. The right holder is responsible to ensure that pumpage under this water right does not directly cause the water level in any domestic well drilled and in use prior to March 29, 1978, to be lowered so as to require modification to the well or pumping system or to cause the water level in any other well having a prior right to exceed a reasonable pumping level, unless the right holder provides a reasonable compensation or mitigation, as determined by the Director, to the prior water right holder for the reduced water levels.
8. Water diverted under this water right is supplemental to surface water rights and may be used only in connection with the primary surface water rights from the Boise River. This right may be utilized only during irrigation seasons when the surface water allotment for the 145 acres will not provide a sufficient supply of irrigation water.
9. The rate of diversion of Water Right No. 63-11474 when combined with Water Right No. 63-11551 shall not exceed 3.87 cfs.
10. The right holder shall utilize available surface water rights to the fullest extent and shall utilize ground water only as a secondary source.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 15th day of NOVEMBER, 1993.

Acting for  R. Keith Higginson, Director

DEC 02 1993

Form 217
RECEIVED

MAR 4 1993

Department of Water Resources
Western Regional Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY
Amt. of Fee \$ 175.00
Date 3/4/93
Receipt No. J015990
Receipt by DWR

RECEIVED

MAR 9 1993

PROOF OF BENEFICIAL USE

Department of Water Resources

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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 63-11474 Telephone No. 482-7397
2. Name(s) of Permit Holder(s): ARM Ranches Inc.
3. Mailing Address: 24034 Batt Corner Rd. Parma Id 83660
4. Source of Water: groundwater

If **GROUNDWATER**, Well Driller's Name: Riverside Date Drilled: MAY 15, 1991

OPTIONAL:

Pump horsepower: 150 Pressure (psi): _____ Dynamic pumping level (ft.): 247

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 160 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 3.2 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes No Installed? _____ Yes _____ No

Flow Measurement Port: Required? Yes No Installed? _____ Yes _____ No

} Flows already
measured by
IDWR.

8. Fee Enclosed: \$ _____ (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Ray Obendorf 482-7397
Name Telephone No.

24034 BATT. Corner Rd. Parma Id 83660
Address

10. The above information 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.

3-4-1993 Ray Obendorf President
Date Signature (and title, if on behalf of a company or organization)

APR 22 1993

I HEREBY CERTIFY that on this 24th day of June, 1992, I mailed a true and correct copy, postage prepaid, of the foregoing Order Denying Petition for Rehearing to:

Rim Ranches, Inc.
c/o Ray Obendorf
24034 Batt Corner Rd
Parma, ID 83660

Don & Shirley Mills
Route 2 Penny Lane
Wilder, ID 83676

Tim Hetrick
1217 3rd St South
Nampa, ID 83651

Irwin & Betty Hetrick
26373 Red Top Rd
Wilder, ID 83676

Rolly & Margaret Lincoln
27254 Fern Lane
Wilder, ID 83676

SSI Food Services
c/o Richard Eismann
3016 Caldwell Blvd.
Nampa, ID 83651-6416

Kay & Marie Yasuda
25724 Fern Lane
Wilder, ID 83676

Jim & Eva Dowling
Fern Lane
Wilder, ID 83676

E. A. Brewer
Larry Carlson
Fern Lane
Wilder, ID 83676

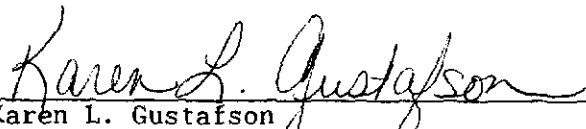
W. F. Schroeder
P. O. Box 220
Vale, OR 97918

John T. Schroeder
P.O. Box 267
Boise, ID 83701

Sherl Chapman
410 S Orchard
Suite 144
Boise, ID 83705

Dale Smith
Box 950
Fruitland, ID 83619

Keith Anderson
432 Summit Ridge Rd
Boise, ID 83702


Karen L. Gustafson
Secretary/Records Manager

RECEIVED
JUN 24 1992

APR 22 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 63-11551 AND APPLICATION)
FOR AMENDMENT OF PERMIT NO. 63-11474)

SOURCE: GROUNDWATER

Rim Ranches, Inc.)

Applicant,)

COUNTY: CANYON

Irwin and Betty Hetrick,)
Tim Hetrick, Don and Shirley Mills,)
and SSI Food Services, Inc.,)

Protestants.)

MEMORANDUM DECISION AND ORDER
APPROVING APPLICATION FOR PERMIT AND APPLICATION FOR AMENDMENT

On April 17, 1992, the Department of Water Resources (department) issued a proposed decision in connection with Application for Permit No. 63-11551 and Application for Amendment of Permit No. 63-11474 both in the name of Rim Ranches, Inc. (applicant). On May 4, 1992, the applicant and protestant SSI Food Services, Inc. each filed exceptions to the proposed decision.

With respect to the exceptions of the applicant, conditions of approval 2. and 3. should not be changed, since the applicant does not disagree with the conditions and since the conditions do not prejudice the applicant's position. Oral argument before the director is not warranted and is denied.

The department responds to the exceptions of SSI Food Services, Inc. (SSI) in the order presented as follows:

A. The department has added language in the analysis relative to well interference.

B. The department has added a condition of approval relative to the tender of conditions submitted by the applicant at the hearing.

MAY 20 1992

C. The proposed addition is not needed since the concept has already been included in the decision.

D. The proposed finding should not be added since SSI is not pumping from a depth which is deep enough to be considered the reasonable ground water pumping level.

E. The proposed condition is not needed since the concept has already been included in the decision.

F. The proposed condition is not appropriate since it is too restrictive. The department has, however, added a condition of approval relative to the use of surface water and ground water.

G. The department has added a condition of approval relative to measurement of the rate of diversion.

H. The suggested condition is not appropriate. If SSI anticipates interference with its well, SSI should be prepared to modify its diversion system if needed since its pumping depth has not yet reached the reasonable ground water pumping level.

I. Oral argument before the Director is not warranted and is denied.

FINDINGS OF FACT

1. On February 8, 1991, Rim Ranches, Inc. (hereinafter applicant) filed with the Department of Water Resources water right Application for Permit No. 63-11474, to divert 3.2 cubic feet per second (cfs) of ground water for supplemental irrigation of 160 acres in Sections 10 and 11, Twp. 4 N, Rge 5 W, B.M.

2. The application for permit was not protested, and on May 13, 1991, the department issued Permit No. 63-11474.

3. On April 12, 1991, the applicant applied for a permit to construct a well within the SE1/4 NE1/4 of Section 10. On the same day the department issued Well Drilling Permit No. 63-91-W-118 for this purpose.

4. According to the Well Driller's Report, construction of the well under drilling permit no. 63-91-W-118 was initiated on April 25, 1991, and the well was completed on May 24, 1991.

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However, this well was drilled within the SE1/4 SE1/4 of Section 10, not the SE1/4 NE1/4 as described in the drilling permit.

5. On June 4, 1991, the applicant filed with the department water right Application for Permit No. 63-11551, to divert 2.8 cubic feet per second (cfs) of ground water for supplemental irrigation of 140 acres in Section 14, Twp. 4 N, Rge. 5 W, B.M., to be diverted within the SE1/4 SE1/4, Section 10, Twp. 4 N, Rge. 5 W, B.M.

6. Notice of the application was published in the Idaho Press-Tribune on July 3 and 10, 1991.

7. On July 8, 1991, the department was notified by Betty Hetrick that her domestic well and the one utilized by her son Tim Hetrick, located near the newly drilled Rim Ranches, Inc. well as described above, had been adversely impacted by the pumping of the Rim Ranches, Inc. well. The department investigated this complaint, and upon discovering that there had been no approval for the well to be drilled within the SE1/4 SE1/4 of Section 10, required pumping from the well to cease.

8. On July 10, 1991, the department received a protest against approval of Application for Permit No. 63-11551 from Irwin and Betty Hetrick. Protests were also received on July 17, 1991 from Don and Shirley Mills, and Rolly and Margaret Lincoln, and on July 18, 1991 from Tim Hetrick. On January 29, 1992, the department received a withdrawal of the protest from Rolly and Margaret Lincoln.

9. On July 15, 1991, the applicant filed with the department Application for Amendment of Permit No. 63-11474. This application requested a change in point of diversion to coincide with that of Application for Permit No. 63-11551, and a change in place of use to 160 acres within Sections 10 and 11, Twp. 4 N, Rge. 5 W, B.M. Ray Obendorf, President of Rim Ranches, Inc., stated that his intent had always been to drill the well in the SE1/4 SE1/4 of Section 10, and to irrigate the amended lands, but that an error had been made in preparation of the original application.

RECEIVED
MAY 20 1992

11. Because the point of diversion and nature of use described by the application for amendment were the same as for the application for permit, the department considered the existing protests to the application for permit to also apply to the application for amendment.

13. On August 26, 1991, the department received a protest against approval of the application for amendment from SSI Food Services, Inc. In addition, SSI Food Services, Inc. petitioned for and was granted by the department intervenor status with respect to the application for permit.

14. The department assisted with the conduct of the aquifer test, and department hydrogeologist Steven J. Baker prepared a report entitled "Effects on Ground-Water Development in the Wilder Area, Southwest Canyon County, Idaho." Copies of this report were distributed to the parties, and a second conference was conducted on December 12, 1991. Based on requests from the parties, Mr. Baker conducted additional computerized studies utilizing the aquifer test data, and an addendum to the report was prepared and distributed to the parties during February, 1992. These reports conclude that (1) short-term well interference during the irrigation season is a problem, and (2) according to the long-term water level trends in the area, it appears that the local ground water resources are not currently being over-developed.

15. The department conducted a hearing regarding the application on March 5, 1992. At the hearing the applicant was represented by President Ray Obendorf, attorneys William F. Schroeder and John T. Schroeder, and expert witness Keith E.

Anderson, a ground water geologist and engineer. Protestants Irwin, Betty and Tim Hetrick were present and represented by attorney Dennis Sallaz. Protestant Shirley Mills was present and represented by attorney Dale Smith. Protestant SSI Food Services, Inc. was represented by President Kirk Smith, attorney Richard B. Eismann, and Sherl L. Chapman, a ground water geologist.

16. The protestants raised objections to the proposed use alleging that:

- (a) the proposed use would reduce the quantity of water under existing water rights; and,
- (b) the diversion would conflict with the local public interest.

17. The 300 acres identified in the applications presently have Boise River water rights from the Wilder Irrigation District. The applicant testified that during periods of drought the existing water rights are inadequate to properly irrigate the crops on these acres.

18. The applicant testified that he would utilize his surface water rights to irrigate the 300 acres to their fullest available extent, and would utilize ground water only as a secondary source. He also testified that his maximum rate of diversion would be the rate capable of being pumped by the existing system. This rate has been measured to be 3.87 cfs.

19. Based on analysis of well logs, water levels, and Mr. Baker's report it appears that the well drilled by the applicant would likely be diverting from the aquifer that is utilized by the wells of the protestants. It is also likely that a primary source of recharge to the ground water system is leakage of water from canals and deep percolation of water applied for irrigation in the vicinity of the wells. Removal of surface water rights from the acreage in question would serve to reduce this aquifer recharge.

20. Depth to water within a mile from the proposed well varies from location to location, but in each reported case is

less than 300 feet.

21. The well used by SSI Food Services, Inc. is a 12 inch diameter well drilled about 400 feet deep. Depth to water in March 1992, was about 110 feet. The depth to water during the summer of 1991 was 146 feet. The pump is set at 165 feet below land surface.

22. Two of the currently used wells in the immediate vicinity of the proposed diversion provide water for single family domestic uses. These wells were drilled and used prior to March 29, 1978.

23. Based on analysis of well logs in the vicinity of the point of diversion and Mr. Baker's report, the ground water aquifer appears to be sufficient to satisfy the proposed diversion.

24. Relative to public interest, the protestants objected to economic costs related to increased pumping depths and well deepening. The applicant predicts economic benefits via more assured water supplies.

25. Testimony from both expert witnesses generally supported the findings of the department as documented in the report and addendum prepared by Mr. Baker. In addition, Mr. Chapman recommended that further aquifer recharge and withdrawal studies would be helpful and that the department should consider additional aquifer management actions.

CONCLUSIONS OF LAW

Applicable Legal Principles

1. Idaho Code, Sec. 42-203A(5), states in part as follows:

The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for

MAY 20 1992

which it is sought to be appropriated, or (c) where it appears to the satisfaction of the department that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people directly affected by the proposed use, or (f) that it is contrary to the conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. Idaho Code, Sec. 42-211, states in part as follows:

...for...an application for an amendment...it shall be the duty of the department of water resources to examine same and if approval thereof would not result in the diversion and use of more water than originally permitted and if the rights of others will not be adversely affected thereby, the director of the department of water resources shall approve said application and return an approved copy to the permit holder.

3. Idaho Code, Sec. 42-226, states in part as follows:

The traditional policy of the State of Idaho, requiring the water resources of this state to be devoted to beneficial use in reasonable amounts through appropriation, is affirmed with respect to the ground water resources of this state as said term is hereinafter defined and, while the doctrine of "first in time is first in right" is recognized, a reasonable exercise of this right shall not block full economic development of the underground water resources.

4. Consideration of the local public interest criterion of Idaho Code, Sec. 42-203A(5) is defined by the department Water Appropriation Rules and Regulations, Rule 5,1,5, to include:

... the effect the project will have on the economy of the local area affected by the proposed use as determined by the employment opportunities, both long and short term, revenue changes to various sectors of the economy, short and long term, and the stability of revenue and employment gains; the effect the project will have on recreation, fish and wildlife resources in

the local public area affected by the proposed use; and compliance with applicable air, water and hazardous substance standards, and compliance with planning and zoning ordinances of local or state government jurisdictions.

Application of Legal Principles

5. There appears to be sufficient water available in the ground water aquifer to satisfy additional demands, including those proposed by these applications.

6. Diversion of this water right as proposed will potentially lower the water levels in neighboring wells. However, resulting depths to water are predicted to remain above the reasonable level.

7. The permit holder is responsible to compensate or mitigate adverse impacts to owners of domestic wells drilled and used prior to March 29, 1978, if the permit holder's use directly causes such a domestic well to become unusable or require modification of the well or pumping system in order to obtain the domestic water.

ANALYSIS

The most complex issue with respect to this application relates to the economic aspects of local public interest. On one hand, the applicant desires to divert ground water to improve the economic return of his farming operation. In this regard, state law encourages the beneficial use of water in reasonable amounts. On the other hand, diversion of ground water at the proposed point of diversion could result in the lowering of the water table in the vicinity of the well, and initial pumping has already resulted in the need to lower pumps in the neighboring wells, resulting in an economic cost.

The department must consider the potential effect of a new proposal on the ability of senior water rights to obtain water at or above the reasonable ground water pumping level.

With respect to neighboring irrigation and commercial wells, statutes affirm that while the doctrine of "first in time is

MAY 20 1992

first in right" is recognized, a reasonable exercise of this right shall not block full economic development of the underground water resources. An economic pumping level has not been determined for the Boise River basin, but the department does not consider the economic pumping level to have been reached in irrigation and commercial wells where the depth to water is shallower than 300 feet.

With respect to neighboring domestic wells, the lowering of the water level in wells drilled prior to March 29, 1978, requires action of the permit holder to either compensate or mitigate such prior right holders for modifications required as a direct cause of withdrawal under the permit.

This decision is without prejudice as to any future showing by the permit holder in a separate action that other wells in the area may have an effect upon the wells of the protestants.

The applicant is entitled to a permit to maximize the beneficial use of the ground water resource.

ORDER

IT IS, THEREFORE, ORDERED that Application for Permit No. 63-11551 and Application for Amendment of Permit No. 63-11474 are HEREBY APPROVED, subject to following conditions:

1. These water rights are subject to all prior water rights.

2. The permit holder is responsible to ensure that pumpage under these water rights does not cause the water level in any irrigation of commercial well to exceed the reasonable pumping level, unless the holder of the prior water right receives reasonable compensation or mitigation for the reduced water level caused directly or indirectly by the withdrawal of water under these water rights.

3. The permit holder is responsible to ensure that pumpage under these water rights does not directly cause the water level in any domestic well drilled and in use prior to March 29, 1978, to be lowered so as to require modification to the well or

MAY 20 1992

pumping system or to cause the water level in any other well having a prior right to exceed a reasonable pumping level, unless the permit holder provides a reasonable compensation or mitigation, as determined by the director, to the prior water right holder for the reduced water levels.

4. Water diverted under these water rights is supplemental to surface water rights and may be used only in connection with the primary surface water rights from the Boise River. These rights may be utilized only during irrigation seasons when the surface water allotments for the 300 acres will not provide a sufficient supply of irrigation water.

5. The rate of diversion of water right no. 63-11474 when combined with water right no. 63-11551 shall not exceed 3.87 cfs.

6. The rate of diversion for these water rights when combined with all other water rights, shall not exceed 0.02 cfs per acre irrigated.

7. Upon a determination of need by the department, the permit holder shall install a flow measurement port or other device as specified by the department to provide for the measurement of the rate of diversion.

8. The permit holder shall utilize available surface water rights to the fullest extent and shall utilize ground water only as a secondary source.

9. The permit holder shall comply with the tender of conditions to the extent that the conditions do not conflict with a specific provision of the decision and order.

10. Proof of construction of works and application of water to beneficial use shall be submitted on or before the date indicated on the final order for water right no. 63-11551, and shall remain as May 3, 1993 for water right no. 63-11474.

Dated this 15TH day of May, 1992.


R. KEITH HIGGINSON
Director

MAY 20 1992

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 18th day of May, 1992, I mailed a true and correct copy, postage prepaid, of the foregoing Final Memorandum Decision and Order to:

Rim Ranches, Inc.
c/o Ray Obendorf
24034 Batt Corner Rd
Parma, ID 83660

Don & Shirley Mills
Route 2 Penny Lane
Wilder, ID 83676

Tim Hetrick
1217 3rd St South
Nampa, ID 83651

Irwin & Betty Hetrick
26373 Red Top Rd
Wilder, ID 83676

Rolly & Margaret Lincoln
27254 Fern Lane
Wilder, ID 83676

SSI Food Services
c/o Richard Eismann
3016 Caldwell Blvd.
Nampa, ID 83651-6416

Kay & Marie Yasuda
25724 Fern Lane
Wilder, ID 83676

Jim & Eva Dowling
Fern Lane
Wilder, ID 83676

E A Brewer
Larry Carlson
Fern Lane
Wilder, ID 83676

W F Schroeder
PO Box 220
Vale, OR 97918

John T. Schroeder
PO Box 267
Boise, ID 83701

Sherl Chapman
410 S Orchard
Suite 144
Boise, ID 83705

Dale Smith
Box 950
Fruitland, ID 83619

Keith Anderson
432 Summit Ridge Rd
Boise, ID 83702

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

RECORDED

MAY 20 1992

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF Application for permit no. 63-11551 and application for amendment of permit no. 63-11474 in the name of Rim Ranches, Inc. ORDER ISSUING PROPOSED MEMORANDUM DECISION

R. Keith Higginson, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by this appointee, L. Glen Saxton, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

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III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATE OF SERVICE

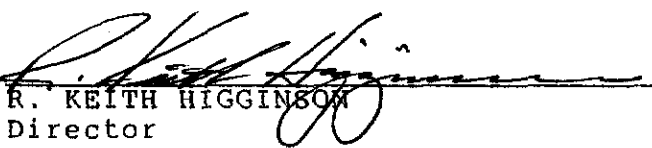
All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 17th day of April, 19 92.


R. KEITH HIGGINSON
Director

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MAY 20 1992

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 17th day of April, 1992, I mailed a true and correct copy, postage prepaid, of the foregoing Proposed Memorandum Decision and Order and Order Issuing the Proposed Memorandum Decision to:

Rim Ranches, Inc.
c/o Ray Obendorf
24034 Batt Corner Rd
Parma, ID 83660

Don & Shirley Mills
Route 2 Penny Lane
Wilder, ID 83676

Tim Hetrick
1217 3rd St S
Nampa, ID 83651

Irwin & Betty Hetrick
26373 Red Top Rd
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Rolly & Margaret Lincoln
27254 Fern Lane
Wilder, ID 83676

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3016 Caldwell Blvd
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Fern Lane
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E A Brewer
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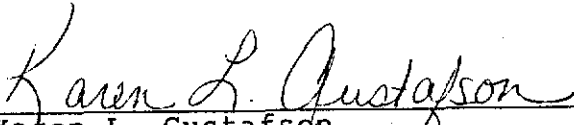
W F Schroeder
P. O. Box 220
Vale, OR 97918

John T. Schroeder
P.O. Box 267
Boise, ID 83701

Sherl Chapman
410 S Orchard
Suite 144
Boise, ID 83705

Dale Smith
Box 950
Fruitland, ID 83619

Keith Anderson
432 Summit Ridge Road
Boise, ID 83702


Karen L. Gustafson
Secretary, Records Manager

MAY 20 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 63-11551 AND APPLICATION)
FOR AMENDMENT OF PERMIT NO. 63-11474)

SOURCE: GROUNDWATER

Rim Ranches, Inc.)

Applicant,)

COUNTY: CANYON

Irwin and Betty Hetrick,)
Tim Hetrick, Don and Shirley Mills,)
and SSI Food Services, Inc.,)

Protestants.)

PROPOSED MEMORANDUM DECISION AND ORDER
APPROVING APPLICATION FOR PERMIT AND APPLICATION FOR AMENDMENT
BY HEARING OFFICER L. GLEN SAXTON

Rim Ranches, Inc., having filed with the Department of Water Resources Application for Permit No. 63-11551 and Application for Amendment of Permit No. 63-11474; protests having been received; and two conferences and a hearing having been held; the department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On February 8, 1991, Rim Ranches, Inc. (hereinafter applicant) filed with the Department of Water Resources water right Application for Permit No. 63-11474, to divert 3.2 cubic feet per second (cfs) of ground water for supplemental irrigation of 160 acres in Sections 10 and 11, Twp. 4 N, Rge 5 W, B.M.

2. The application for permit was not protested, and on May 13, 1991, the department issued Permit No. 63-11474.

3. On April 12, 1991, the applicant applied for a permit to construct a well within the SE1/4 NE1/4 of Section 10. On the same day the department issued Well Drilling Permit No. 63-91-W-118 for this purpose.

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4. According to the Well Driller's Report, construction of the well under drilling permit no. 63-91-W-118 was initiated on April 25, 1991, and the well was completed on May 24, 1991. However, this well was drilled within the SE1/4 SE1/4 of Section 10, not the SE1/4 NE1/4 as described in the drilling permit.

5. On June 4, 1991, the applicant filed with the department water right Application for Permit No. 63-11551, to divert 2.8 cubic feet per second (cfs) of ground water for supplemental irrigation of 140 acres in Section 14, Twp. 4 N, Rge. 5 W, B.M., to be diverted within the SE1/4 SE1/4, Section 10, Twp. 4 N, Rge. 5 W, B.M.

6. Notice of the application was published in the Idaho Press-Tribune on July 3 and 10, 1991.

7. On July 8, 1991, the department was notified by Betty Hetrick that her domestic well and the one utilized by her son Tim Hetrick, located near the newly drilled Rim Ranches, Inc. well as described above, had been adversely impacted by the pumping of the Rim Ranches, Inc. well. The department investigated this complaint, and upon discovering that there had been no approval for the well to be drilled within the SE1/4 SE1/4 of Section 10, required pumping from the well to cease.

8. On July 10, 1991, the department received a protest against approval of Application for Permit No. 63-11551 from Irwin and Betty Hetrick. Protests were also received on July 17, 1991 from Don and Shirley Mills, and Rolly and Margaret Lincoln, and on July 18, 1991 from Tim Hetrick. On January 29, 1992, the department received a withdrawal of the protest from Rolly and Margaret Lincoln.

9. On July 15, 1991, the applicant filed with the department Application for Amendment of Permit No. 63-11474. This application requested a change in point of diversion to coincide with that of Application for Permit No. 63-11551, and a change in place of use to 160 acres within Sections 10 and 11, Twp. 4 N, Rge. 5 W, B.M. Ray Obendorf, President of Rim Ranches, Proposed Memorandum Decision and Order - Page

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Inc., stated that his intent had always been to drill the well in the SE1/4 SE1/4 of Section 10, and to irrigate the amended lands, but that an error had been made in preparation of the original application.

10. Notice of the application for amendment was published in the Idaho Press-Tribune on August 7 and 14, 1991.

11. Because the point of diversion and nature of use described by the application for amendment were the same as for the application for permit, the department considered the existing protests to the application for permit to also apply to the application for amendment.

12. The department conducted a conference regarding the application for permit on August 2, 1991. At the conference a determination was made to allow the applicant to conduct an aquifer test by pumping the well and monitoring the neighboring two Hetrick wells.

13. On August 26, 1991, the department received a protest against approval of the application for amendment from SSI Food Services, Inc. In addition, SSI Food Services, Inc. petitioned for and was granted by the department intervenor status with respect to the application for permit.

14. The department assisted with the conduct of the aquifer test, and department hydrogeologist Steven J. Baker prepared a report entitled "Effects on Ground-Water Development in the Wilder Area, Southwest Canyon County, Idaho." Copies of this report were distributed to the parties, and a second conference was conducted on December 12, 1991. Based on requests from the parties, Mr. Baker conducted additional computerized studies utilizing the aquifer test data, and an addendum to the report was prepared and distributed to the parties during February, 1992. These reports conclude that (1) short-term well interference during the irrigation season is a problem, and (2) according to the long-term water level trends in the area, it appears that the local ground water resources are not currently being over-developed.

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15. The department conducted a hearing regarding the application on March 5, 1992. At the hearing the applicant was represented by President Ray Obendorf, attorneys William F. Schroeder and John T. Schroeder, and expert witness Keith E. Anderson, a ground water geologist and engineer. Protestants Irwin, Betty and Tim Hetrick were present and represented by attorney Dennis Sallaz. Protestant Shirley Mills was present and represented by attorney Dale Smith. Protestant SSI Food Services, Inc. was represented by President Kirk Smith, attorney Richard B. Eismann, and Sherl L. Chapman, a ground water geologist.

16. The protestants raised objections to the proposed use alleging that:

- (a) the proposed use would reduce the quantity of water under existing water rights; and,
- (b) the diversion would conflict with the local public interest.

17. The 300 acres identified in the applications presently have Boise River water rights from the Wilder Irrigation District. The applicant testified that during periods of drought the existing water rights are inadequate to properly irrigate the crops on these acres.

18. The applicant testified that he would utilize his surface water rights to irrigate the 300 acres to their fullest available extent, and would utilize ground water only as a secondary source. He also testified that his maximum rate of diversion would be the rate capable of being pumped by the existing system. This rate has been measured to be 3.87 cfs.

19. Based on analysis of well logs, water levels, and Mr. Baker's report it appears that the well drilled by the applicant would likely be diverting from the aquifer that is utilized by the wells of the protestants. It is also likely that a primary source of recharge to the ground water system is leakage of water from canals and deep percolation of water applied for irrigation in the vicinity of the wells. Removal of surface water rights

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from the acreage in question would serve to reduce this aquifer recharge.

20. Depth to water within a mile from the proposed well varies from location to location, but in each reported case is less than 300 feet.

21. Two of the currently used wells in the immediate vicinity of the proposed diversion provide water for single family domestic uses. These wells were drilled and used prior to March 29, 1978.

22. Based on analysis of well logs in the vicinity of the point of diversion and Mr. Baker's report, the ground water aquifer appears to be sufficient to satisfy the proposed diversion.

23. Relative to public interest, the protestants objected to economic costs related to increased pumping depths and well deepening. The applicant predicts economic benefits via more assured water supplies.

24. Testimony from both expert witnesses generally supported the findings of the department as documented in the report and addendum prepared by Mr. Baker. In addition, Mr. Chapman recommended that further aquifer recharge and withdrawal studies would be helpful and that the department should consider additional aquifer management actions.

CONCLUSIONS OF LAW

Applicable Legal Principles

1. Idaho Code, Sec. 42-203A(5), states in part as follows:

The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the department that such

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application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people directly affected by the proposed use, or (f) that it is contrary to the conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. Idaho Code, Sec. 42-211, states in part as follows:

...for...an application for an amendment...it shall be the duty of the department of water resources to examine same and if approval thereof would not result in the diversion and use of more water than originally permitted and if the rights of others will not be adversely affected thereby, the director of the department of water resources shall approve said application and return an approved copy to the permit holder.

3. Idaho Code, Sec. 42-226, states in part as follows:

The traditional policy of the State of Idaho, requiring the water resources of this state to be devoted to beneficial use in reasonable amounts through appropriation, is affirmed with respect to the ground water resources of this state as said term is hereinafter defined and, while the doctrine of "first in time is first in right" is recognized, a reasonable exercise of this right shall not block full economic development of the underground water resources.

4. Consideration of the local public interest criterion of Idaho Code, Sec. 42-203A(5) is defined by the department Water Appropriation Rules and Regulations, Rule 5,1,5, to include:

... the effect the project will have on the economy of the local area affected by the proposed use as determined by the employment opportunities, both long and short term, revenue changes to various sectors of the economy, short and long term, and the stability of revenue and employment gains; the effect the project will have on recreation, fish and wildlife resources in the local public area affected by the proposed use; and compliance with applicable air, water and hazardous

substance standards, and compliance with planning and zoning ordinances of local or state government jurisdictions.

Application of Legal Principles

5. There appears to be sufficient water available in the ground water aquifer to satisfy additional demands, including those proposed by these applications.

6. Diversion of this water right as proposed will potentially lower the water levels in neighboring wells. However, resulting depths to water are predicted to remain above the reasonable level.

7. The permit holder is responsible to compensate or mitigate adverse impacts to owners of domestic wells drilled and used prior to March 29, 1978, if the permit holder's use directly causes such a domestic well to become unusable or require modification of the well or pumping system in order to obtain the domestic water.

ANALYSIS

The most complex issue with respect to this application relates to the economic aspects of local public interest. On one hand, the applicant desires to divert ground water to improve the economic return of his farming operation. In this regard, state law encourages the beneficial use of water in reasonable amounts. On the other hand, diversion of ground water at the proposed point of diversion could result in the lowering of the water table in the vicinity of the well, and initial pumping has already resulted in the need to lower pumps in the neighboring wells, resulting in an economic cost.

The department must consider the potential effect of a new proposal on the ability of senior water rights to obtain water at or above the reasonable ground water pumping level.

With respect to neighboring irrigation and commercial wells, statutes affirm that while the doctrine of "first in time is first in right" is recognized, a reasonable exercise of this

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right shall not block full economic development of the underground water resources. An economic pumping level has not been determined for the Boise River basin, but the department does not consider the economic pumping level to have been reached in irrigation and commercial wells where the depth to water is shallower than 300 feet.

With respect to neighboring domestic wells, the lowering of the water level in wells drilled prior to March 29, 1978, requires action of the permit holder to either compensate or mitigate such prior right holders for modifications required as a direct cause of withdrawal under the permit.

The applicant is entitled to a permit to maximize the beneficial use of the ground water resource.

ORDER

IT IS, THEREFORE, ORDERED that Application for Permit No. 63-11551 and Application for Amendment of Permit No. 63-11474 are HEREBY APPROVED, subject to following conditions:

1. These water rights are subject to all prior water rights.

2. The permit holder is responsible to ensure that pumpage under these water rights does not cause the water level in any irrigation of commercial well to exceed the reasonable pumping level, unless the holder of the prior water right receives reasonable compensation or mitigation for the reduced water level caused directly or indirectly by the withdrawal of water under these water rights.

3. The permit holder is responsible to ensure that pumpage under these water rights does not directly cause the water level in any domestic well drilled and in use prior to March 29, 1978, to be lowered so as to require modification to the well or pumping system or to cause the water level in any other well having a prior right to exceed a reasonable pumping level, unless the permit holder provides a reasonable compensation or mitigation, as determined by the director, to the prior water

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right holder for the reduced water levels.

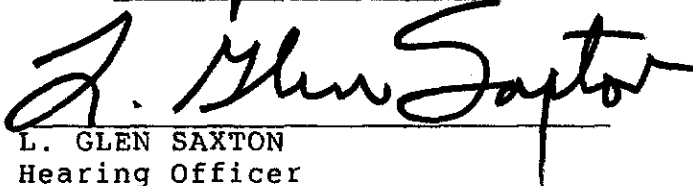
4. Water diverted under these water rights is supplemental to surface water rights and may be used only in connection with the primary surface water rights from the Boise River. These rights may be utilized only during irrigation seasons when the surface water allotments for the 300 acres will not provide a sufficient supply of irrigation water.

5. The rate of diversion of water right no. 63-11474 when combined with water right no. 63-11551 shall not exceed 3.87 cfs.

6. The rate of diversion for these water rights when combined with all other water rights, shall not exceed 0.02 cfs per acre irrigated.

7. Proof of construction of works and application of water to beneficial use shall be submitted on or before the date indicated on the final order for water right no. 63-11551, and shall remain as May 3, 1993 for water right no. 63-11474.

Dated this 17th day of April, 1992.


L. GLEN SAXTON
Hearing Officer

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MAY 20 1992

STATE OF IDAHO

APPROVED

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Rim Ranches INC Phone 482 7397
of (address) 24039 BATT CORNER ROAD PALMO ID., and represents to the
83660
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-11474, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE 1/4 SE 1/4, Section 10, Township 4N, Range 5W, B.M.,
County of Canyon. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 3.20 for Irrigation purposes from 7/15 to 11/15 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>4N</u>	<u>5W</u>	<u>10</u>													<u>10</u>	<u>40</u>		<u>30</u>	<u>80</u>
		<u>11</u>											<u>40</u>	<u>40</u>					<u>80</u>

Total number of acres to be irrigated = 160

4. a. Who owns the property at the point of diversion? APPLICANT
b. Who owns the land to be irrigated or the 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: _____

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Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Boise, this 15th day of July, 19 91.
Ray Oberdorf
(Signature)
TITLE: President

FOR DEPARTMENT USE ONLY

Preliminary check by LW Fee = \$20.00 #W 013494
7/15/91
Publication prepared by JH Date 7/31/91 Published in Press-Tribune
Publication dates 8/7 + 8/14/1991

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby approve the above referenced application for amendment of Permit No. 63-11474.

See Final Order Adopting Proposed Memorandum Decision and Order for conditions of approval.

Witness my hand this 15th day of May, 19 92.

L. Glen Saxton
Chief, Water Allocation Bureau

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MAY 20 1992

NOTICE OF AMENDED
APPLICATION FOR PERMIT
No. 63-11474

Notice is hereby given that permit No. 63-11474 in the name of Rim Ranches was filed on 2/08/1991 for the diversion of 3.20 cfs from groundwater with a point of diversion within the T4N R5W Sec. 10 SENE to be used for irrigation purposes from 3/15 to 11/15 within portions of T4N R5W Sec. 10, SWNE, SENE and Sec. 11 SWNW, SENW.

The permit holder now proposes to amend the permit by changing the point of diversion to T4N R5W Sec. 10 SESE and place of use to T4N R5W Sec. 10 NESE, NWSE, SESE and Sec. 11 SWSW, SESW.

Any protests against the approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before August 26, 1991.

R. KEITH HIGGINSON
Director
August 7, 14, 1991

Department of Water Resources
Western Region Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Canyon)

Sharla O'Krakel

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

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

two times

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

4. That said notice was published the following dates:

August 7, 14, 1991

Sharla O'Krakel

STATE OF IDAHO)
)
COUNTY OF CANYON)

On this 14th day of August in the year of 1991, before me, a Notary Public, personally appeared Sharla O'Krakel, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Janet Lust
Notary Public for Idaho
Residing at Nampa

MY COMMISSION EXPIRES
JUNE 21st, 1997

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-11474

Proposed Priority: February 8, 1991 Maximum Diversion Rate: 3.20 CFS
This is to certify, that RIM RANCHES INC.

24034 BATT CORNER RD.

PARMA, ID 83660

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	3.20 CFS

LOCATION OF POINT(S) OF DIVERSION: SENE Sec. 10, Township 04N, Range 05W
CANYON County

<u>PLACE OF USE:</u>	<u>IRRIGATION</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
04N	05W	10	SWNE 40	SENE 40	80
		11	SWNW 40	SENW 40	80

Total number of acres irrigated: 160

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 3, 1993.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

13th day of May, 1991.

JUN 04 1991

R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Prim Ranches, INC. Phone 208-482-7397
Post office address 24034 BATT CORNER Rd Parma Id. 83660
2. Source of water supply well groundwater which is a tributary of _____
3. Location of point of diversion is _____ $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 10 Township 4N Range 5W B.M. CANYON County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 3.2 for IRRIGATION purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 3.2 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Concrete & dirt
ditches
 - 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 16 inches; proposed depth of well is 400 feet.
 - d. Is ground water with a temperature of greater than 90°F 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 (minimum 1 year).

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JUN 04 1991

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	5W	10			40	40													80 AC.
4N	5W	11							40	40									80 AC.

Total number of acres to be irrigated 160 AC.

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

WILDER IRR. DIST.

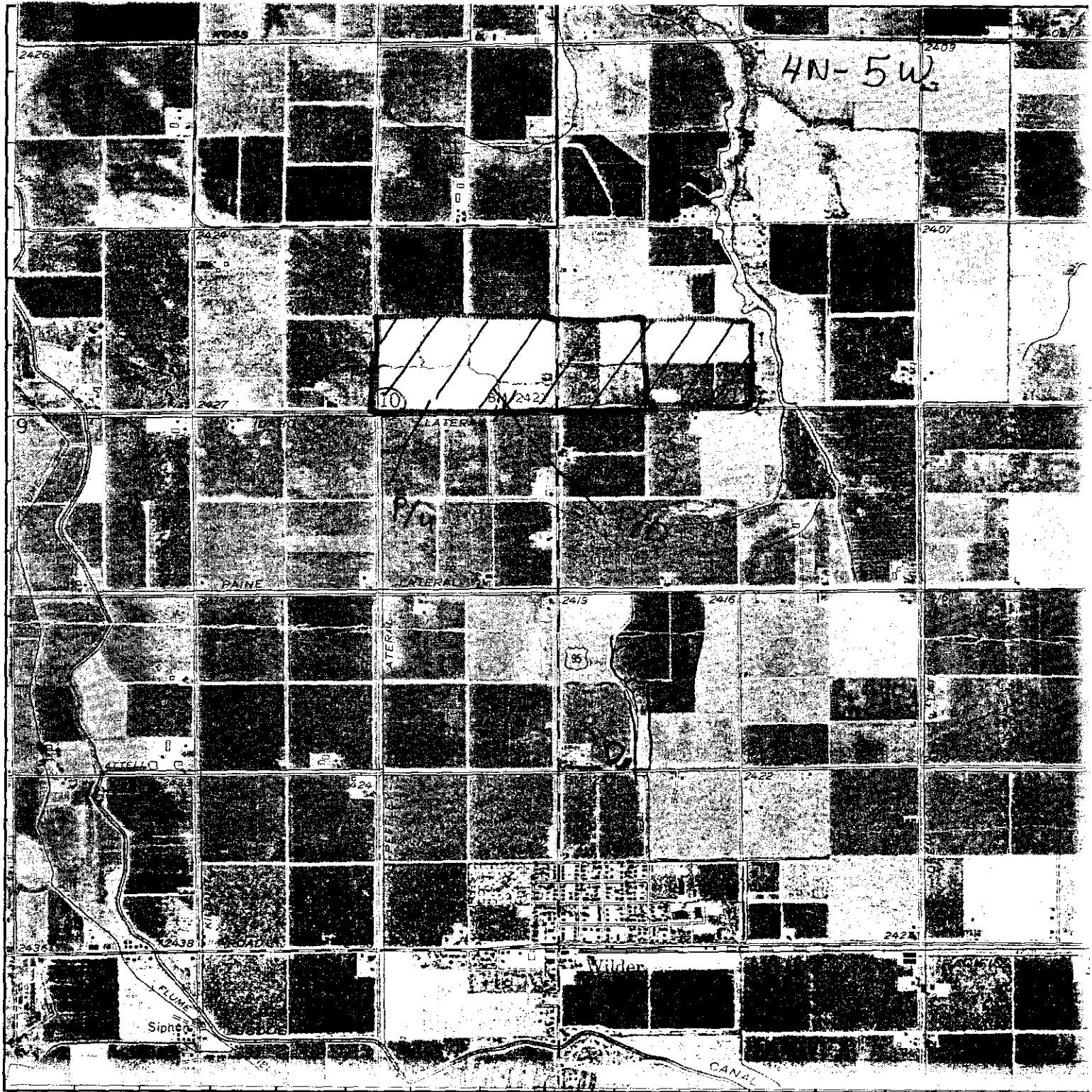
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: SUPPLEMENTAL WATER - WILDER IRR. DIST.

OFFICERS: Ray (president) & Darolene (sec/treas) Obendorf
at address on front.

JUN 04 1991

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

Kim Ranches Inc.
(Applicant)
By Ray Choudry

Received by JFW Date 2/8/91 Time 12:00 PM Preliminary check by CYH
Fee \$ 105⁰⁰ Received by JFW # W012992 Date 2/8/91
Publication prepared by GG Date 3-13-91 Published in Press-Tribune
3/20 & 3/27/91
Publication approved st Date 4-12-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MICROFILMED
JUN 04 1991

NOTICE OF APPLICATION FOR WATER RIGHT

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

AFFIDAVIT OF PUBLICATION

63-11462
SYMMS FRUIT RANCH INC.
14068 SUNNY SLOPE RD.
CALDWELL, ID 83605
Source: GROUNDWATER
Diversions Pt:
Use: IRRIGATION

Date Filed: 2/19/1991
In: T03N R04W S14
S23
100.0 ACRES TOTAL

63-11463
SYMMS FRUIT RANCH INC.
14068 SUNNY SLOPE RD.
CALDWELL, ID 83605
Source: GROUNDWATER
Diversions Pt:

Use: IRRIGATION
Date Filed: 2/19/1991
In: T03N R04W S04
113.0 ACRES TOTAL

63-11464
PIRNIE, CLIFF
PIRNIE, CANDESS
6425 LOLA LN.
NAMPA, ID 83686
Source: GROUNDWATER
Diversions Pt:
Use: IRRIGATION

Date Filed: 2/27/1991
In: T02N R02W S36
60.0 ACRES TOTAL

63-11465
EARNEST, LELAND
3125 LASTER LN.
NAMPA, ID 83687
Source: GROUNDWATER
Diversions Pt:
Use: IRRIGATION

Date Filed: 2/12/1991
In: T03N R02W S06 Lot 1
T04N R02W S31
194.0 ACRES TOTAL

63-11472
WADE, KEITH L.
8514 HAPPY VALLEY RD.
NAMPA, ID 83686
Source: GROUNDWATER
Diversions Pt:
Use: IRRIGATION

Date Filed: 3/4/1991
In: T02N R02W S13
75.0 ACRES TOTAL

63-11474
RIM RANCHES INC.
24034 BATT CORNER RD.
PARMA, ID 83660
Source: GROUNDWATER
Diversions Pt:
Use: IRRIGATION

Date Filed: 2/8/1991
In: T04N R05W S10
S11
160.0 ACRES TOTAL

63-11475
WHITAKER, STEVEN M.
15861 MC DERMOTT RD.
NAMPA, ID 83687
Source: GROUNDWATER
Diversions Pt:
Use: IRRIGATION

Date Filed: 3/1/1991
In: T03N R01W S07
118.0 ACRES TOTAL

63-11478
ARNOLD, CECIL
1350 W. AVALON
KUNA, ID 83634
Source: GROUNDWATER
Diversions Pt:
Use: IRRIGATION

Date Filed: 2/28/1991
In: T02N R01W S20
40.0 ACRES TOTAL

63-11480
FLOYD, HAROLD
9703 CHICKEN DINNER RD.
CALDWELL, ID 83605
Source: GROUNDWATER
Diversions Pt:

Use: IRRIGATION
Date Filed: 3/4/1991
In: T02N R04E S14

NWNW Sec 23 T 03N R 04W
(2.000 CFS)
Total Diversions: (2.000 CFS)

NWNW SWSW
SWNW

NESE Sec 4 T 03N R 04W
SESE Sec 4 T 03N R 04W
(2.000 CFS)
Total Diversions: (2.000 CFS)

NESE SWSE SESE

63-11464
SWSE Sec 36 T 02N R 02W
(1.200 CFS)
Total Diversions: (1.200 CFS)

SESW SWSE

63-11465
NESESE Sec 6 T 03N R 02W
(3.880 CFS)
Total Diversions: (3.880 CFS)

(NENE) Lot 3 (NENW) NESE
NWSE SESE
NESE NWSE SWSE

63-11472
SESW Sec 13 T 02N R 02W
(1.500 CFS)
Total Diversions: (1.500 CFS)

NESW SESW NWSE SWSE

63-11474
SENE Sec 10 T 04N R 05W
(3.200 CFS)
Total Diversions: (3.200 CFS)

SWNE SENE
SWNW SENW

63-11475
SESESW Sec 7 T 03N R 01W
(2.360 CFS)
Total Diversions: (2.360 CFS)

NESW Lot 3 (NWSW) Lot 4 (SWSW) SESW

63-11478
SWSW Sec 20 T 02N R 01W
(.800 CFS)
Total Diversions: (.800 CFS)

SWSW

63-11480
NENE Sec 14 T 02N R 04W
SENE Sec 14 T 02N R 04W
(.760 CFS)
Total Diversions: (.760 CFS)

NENE SENE

OF IDAHO)
) ss.

of Canyon)

Charla O'Krakel

pa, Canyon County, Idaho, being first duly sworn, deposes s:

it I am a citizen of the United States of America, and at all ereinafter mentioned was over the age of eighteen years, a party to the above entitled action.

at I am the Principal Clerk of the Idaho Press-Tribune, a except Saturday) newspaper published in the City of and Caldwell, in the County of Canyon, State of Idaho; e said newspaper is in general circulation in the said of Canyon, and in the vicinity of Nampa and Caldwell, and n uninterruptedly published in said County during a period ty-eight consecutive weeks prior to the first publication of ce, a copy of which is hereto attached.

at the notice, of which the annexed is a printed copy, was ed in said newspaper two times

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

at said notice was published the following dates:

March 20, 27, 1991

Charla O'Krakel

OF IDAHO)
)
TY OF CANYON)

27th day of March in the 1991, before me, a Notary Public, personally ed Sharla O'Krakel, known tified to me to be the person whose name subscribed to the instrument, and being by me first duly sworn, declared e statements therein are true, and acknowledged to me that e)

63-11481

FLOYD, JERRY
9159 RIVERSIDE RD.
CALDWELL, ID 83605
Source: GROUNDWATER
Diversions Pt:
Use: IRRIGATION

Date Filed: 3/4/1991
In: T03N R04W S35
105.0 ACRES TOTAL

SWSW Sec 35 T 03N R 04W
(1.050 CFS)
Total Diversions: (1.050 CFS)

NESW SWSW SESW

63-11483

SWARTHOUT, C.R.
4925 MOUNTAIN VIEW DR.
BOISE, ID 83704
Source: GROUNDWATER
Diversions Pt:
Use: IRRIGATION

Date Filed: 3/7/1991
In: T01S R01W S07
R02W S01
S12
142.0 ACRES TOTAL

SESE Sec 1 T 01S R 02W
(2.000 CFS)
Total Diversions: (2.000 CFS)

NWNE
SESE
NWNE

63-11484

NEIDER, JAY C.
NEIDER, CONNIE
5821 MORNING DOVE DR.
NAMPA, ID 83686
Source: GROUNDWATER
Diversions Pt:
Use: IRRIGATION

Date Filed: 3/4/1991
In: T01N R02W S02 Lot 3
S03
225.0 ACRES TOTAL

NWSW Sec 2 T 01N R 02W
(2.000 CFS)
Total Diversions: (2.000 CFS)

(NENW) Lot 4 (NWNW) SWSW
NESW NWSW SESW
NESE

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 APRIL 8, 1991.
R. KEITH HIGGINSON
Director

27 1 1



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

November 2, 1993

RIM RANCHES INC
24034 BATT CORNER RD
PARMA ID 83660

RE: WATER RIGHT NO. 63-11474

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over a horizontal line.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

DEC 02 1993

WR0749NP
No. L63-11474

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 09/02/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RIM RANCHES INC 24034 BATT CORNER RD PARMA ID 83660 (208) 482-7397	02/08/1991	IRRIGATION	03-15 11-15	2.90 CFS	652.5 AFA
TOTAL DIVERSION:					2.90 CFS	652.5 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 3.87 CFS

Point(s) of Diversion: T04N R05W S10 SE SE

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
04N	05W	10	:													08	37		24	69.0
04N	05W	11	:									37	39							76.0
TOTAL ACRES																				145.0

Pou County: CANYON

Other Water Rights with Same Point(s) of Diversion and Source:
63-11474 63-11551 L63-11551

Other Water Rights Listing Overlapping Place(s) of use:
63-11254 63-11474

Conditions of Approval:

- R32 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.5 afa per acre for the
- lands above.

Remarks: The right holder is responsible to ensure that pumpage under this water right does not cause the water level in any irrigation or commercial well to exceed the reasonable pumping level, unless the holder of the prior water right receives reasonable compensation or mitigation for the reduced water level caused directly or indirectly by the withdrawal of water under this right.

The right holder is responsible to ensure that pumpage under this water right does not directly cause the water level in any domestic well drilled and in use prior to March 29, 1978, to be lowered so as to require modification to the well or pumping system or to cause the water level in any other well having a prior right to exceed a reasonable pumping level, unless the right holder provides a reasonable compensation or mitigation, as determined by the Director, to the prior water right holder for the reduced water levels.

Water diverted under this water right is supplemental to surface

WR0749NP
No. L63-11474

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 09/02/93
PAGE: 2

Remarks: water rights and may be used only in connection with the primary surface water rights from the Boise River. This right may be utilized only during irrigation seasons when the surface water allotment for the 145 acres will not provide a sufficient supply of irrigation water.
The rate of diversion of Water Right No. 63-11474 when combined with Water Right No. 63-11551 shall not exceed 3.87 cfs.
The right holder shall utilize available surface water rights to the fullest extent and shall utilize ground water only as a secondary source.

Dates: App. Received: 02/08/1991 Priority Date: 02/08/1991
Proof Due Date: 05/03/1993 Proof Made Date: 03/04/1993
Exam Made Date: 05/09/1993 Exam Sent to S.O.: 06/30/1993
Licensed Date:

Misc: Water District Number: Field Exam fee: R (Received)

Comments: Date: 05/04/1992 User-ID: MILLER Subject: SUPPLEMENTAL IRRIGATION
This permit authorizes water to be used in conjunction with Wilder Irrigation District rights.

Date: 05/04/1992 User-ID: MILLER Subject: CORPORATE OFFICERS
The corporate officers of Rim Ranches are as follows:
Ray Obendorf - President
Dorolene Obendorf - Secretary/Treasurer

Audit: 09/02/93 CHAPMAN

=====

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM									
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac							
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac								
L6311474	T04N R05W S10	GROUNDWATER																									
	:	:																									
6302388	BOISE RIVE	:				:				:				:													
A6302388	BOISE RIVE	:				:				:				:													
6310579	GROUNDWATE	:	39		39	:				:				:													
6311254	GROUNDWATE	:				:				:				:													
6311474	GROUNDWATE	:				:				:				:													
6311698	GROUNDWATE	:				:				:				:													
M6311698	GROUNDWATE	:				:				:	40			:	40												
6311700	GROUNDWATE	:				:				:	40			:	40												
6311700	GROUNDWATE	:				:				:	39			:													
M6311700	GROUNDWATE	:				:				:	39			:													
L6311474	T04N R05W S11	GROUNDWATER																									
	:	:																									
															37		39										
6302388	BOISE RIVE	:				:				:				:													
A6302388	BOISE RIVE	:				:				:				:													
6302397	MAMMON GUL	:				:				:				:													
A6302397	MAMMON GUL	:				:				:				:													
6311474	GROUNDWATE	:				:				:				:													
6311698	GROUNDWATE	:				:				:				:													
M6311698	GROUNDWATE	:				:				:				:													
6311836	GROUNDWATE	:				:				:				:													
M6311836	GROUNDWATE	:				:				:				:													

LICENSE REVIEW CHECKLIST

Permit # 63-11474 Date 7-28-93 Brenda Chapman

NAME	Yes ☐	No ☒	Or Address Change?
PRIORITY DATE	☐	☒	Advance? <u> </u> Memo to Advance <u> </u>
	☐	☒	Order to Reinstate Needed?
SOURCE	☐	☒	Changes? Clarification of Originally Intended source <u> </u>
	☐	☒	Notice of Intent to Void - Source change.
P/D	☒	☒	Amendment Needed? <u> </u>
	☐	☐	Is Overlap Analysis a Consideration?
P/U	☐	☒	Amendment Needed? <u> </u>
	☐	☒	Is Overlap Analysis a Consideration?
TOTAL CFS	☐	☒	Incorrect Fee for rate recommended?
	☐	☒	Disagree/Measurement <u>1991 Wilder GW Study</u>
	☐	☒	Pumping Theoretical $(8.8) \times (.70) \times ()$
	☐	☐	$() + [2.31 \times ()]$
	☐	☒	System Capacity 3.87
	☐	☐	Allowable Amount: <u>$145 \times .02 = 2.9$</u>
TOTAL VOLUME			Rate/ac <u>4.5</u> AFA Irr. Season <u>D</u>
			<u>3-15 to 11-15</u> Standard Irr. Season
			<u>STANDARD</u> Season Recommended
	☐	☒	Disagree with Examiner's Calculations?
	☐	☒	<u>145 acres @ 4.5 = 652.5</u>
	☐	☒	Flow limit: <u>2.9</u> x <u>246</u> x <u>1.9835</u> = <u>1415</u>
USES	☐	☒	Change(s) in Nature of Use? <u> </u>
	☐	☒	Amendment Needed? <u> </u>
REMARKS	☐	☒	Multiple P/Ds in 1/4 1/4? <u> </u>
	☐	☒	Non-Irr. Uses <u> </u>
	☐	☒	Special Overlap Condition <u> </u>
	☒	☐	Other <u>MEMORANDUM + DECISION CONDITIONS</u>
CONDITIONS	☐	☒	Measuring Devices <u> </u> Dates/Misc <u> </u>
	☐	☒	W/Master Control <u> </u> Water Dist <u> </u>
	<u>R32</u>	☒	Irrigation Overlap <u> </u> App Rec'd <u> </u>
	☐	☒	Water Quality <u> </u> Exam Made <u> </u>
COMMENTS:	<u>REDUCED RATE AND ACRES</u>		

RECOMMENDED

CFS

VOL

Irrigation
Domestic
Stockwater

2.9

652.5

LICENSE ☒

AMEND

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JUL 01 1993
Department of Water Resources

Permit No. 63-11474

1. Owner: RIM RANCHES INC Phone No. 482-7397

Current Address: 24034 BATH CORNER RD PARMA 83660

2. Accompanied by: RAY OBENDORF EXAM DATE: 5/9/93

Address: SAME Phone No.

Relationship to Permit Holder: OWNER

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 63-10727, 63-11254, 63-02388

2. Other water rights with the same point of diversion: 63-11551

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

[illegible]

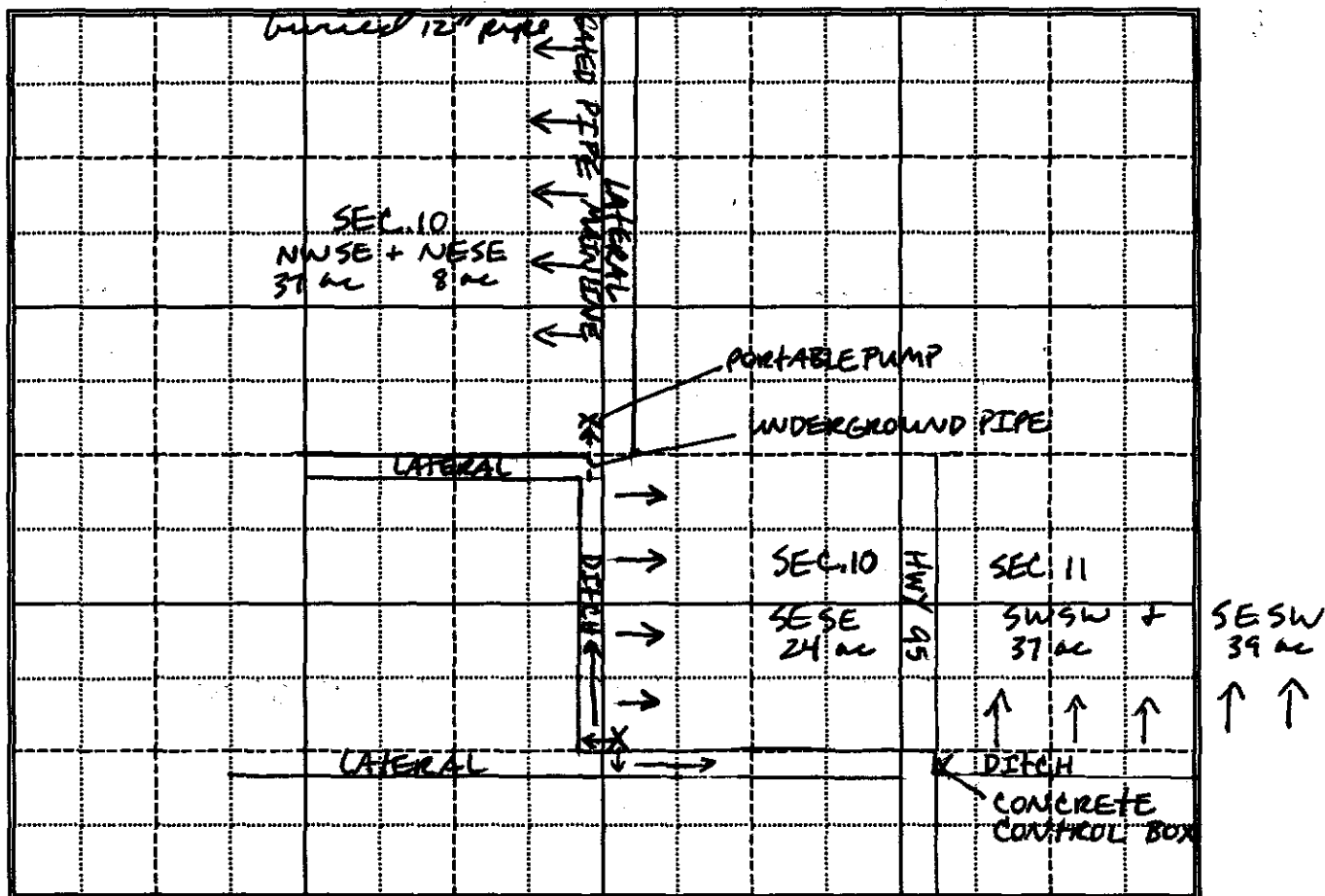
2. Place(s) of Use:

Indicate Method of Determination

[illegible]

DEC 02 1993

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate well size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	US ELECTRIC	150	C2684-01-2-2175	FRANKLIN	16"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
ULTRASONIC FLOWMETER						

2. Measurements: 3.87 cfs per 1991 Wilder Groundwater Study

E. NARRATIVE/REMARKS/COMMENTS

A 16" well equipped with a 150 HP pump supplies water to 145 ac under this permit and 140 ac under permit 63-11551. The system utilizes gravity irrigation via concrete ditches, siphon tubes and gated pipe. This ground water is supplemental to Wilder Tracy Dist surface water. This wt when combined with 63-11551 is limited to 3.87 cfs system capacity. (See enclosed Memorandum Decision and order for more specifics)

(Water is pumped to the NW corner and gravity flows to the east. Water is re-circulated via portable pump, gated pipe and buried 12" pipe.)

Have conditions of permit approval been met? ☒ yes ☐ no

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F. FLOW CALCULATIONS

Measured Method:

____ Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$\begin{aligned} V_{I.R} &= (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 145 \times 4.5 = 652.5 \\ V_{D.R} &= [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.9 \times 246 \times 1.9835 = 1415 \\ V &= \text{Smaller of } V_{I.R} \text{ and } V_{D.R} = 652.5 \end{aligned}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIG	3/15	11/15	2.9	652.5
Totals:			2.9	652.5

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

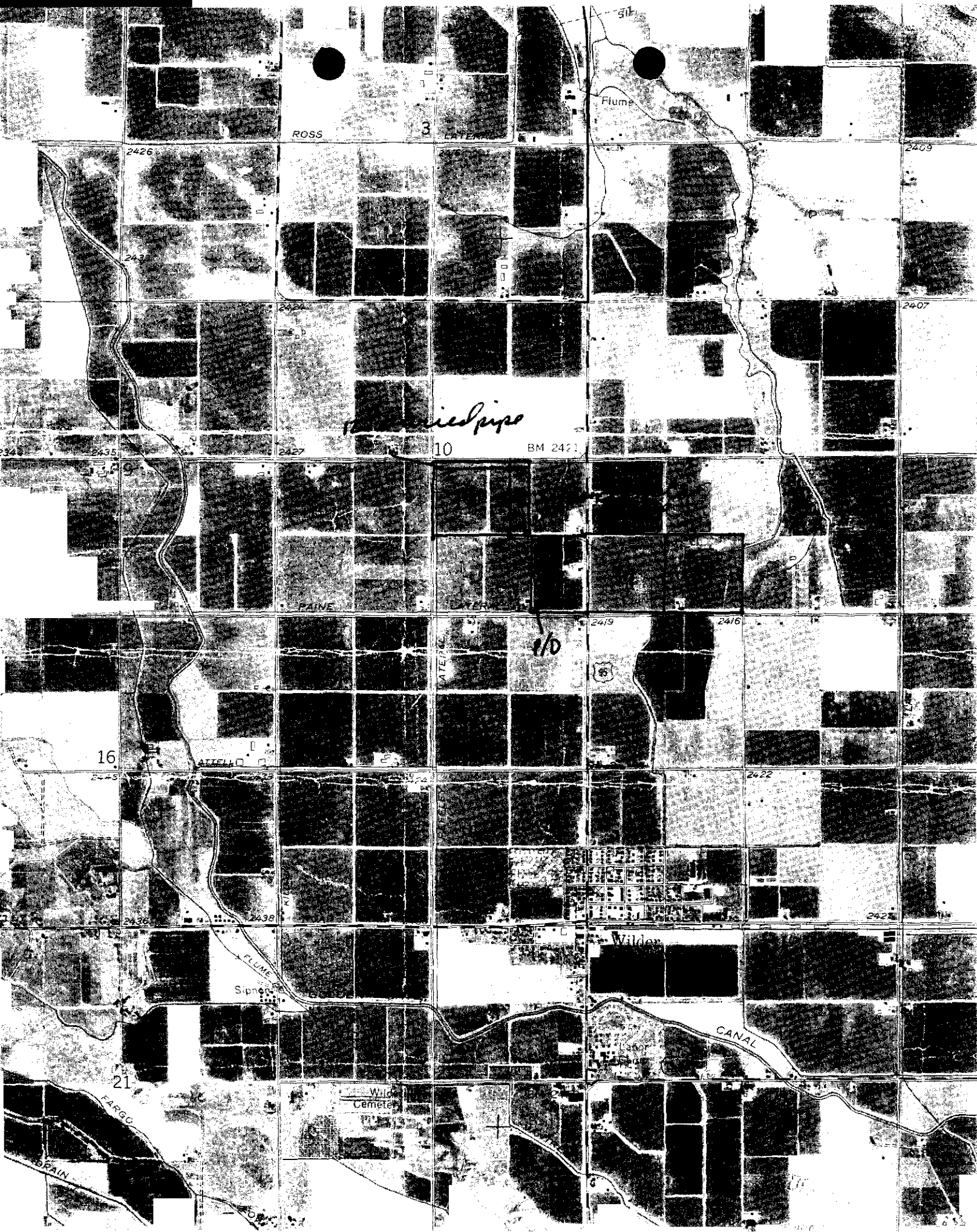
Field Examiner's Name Loi G. Gwaver Date 5/17/93

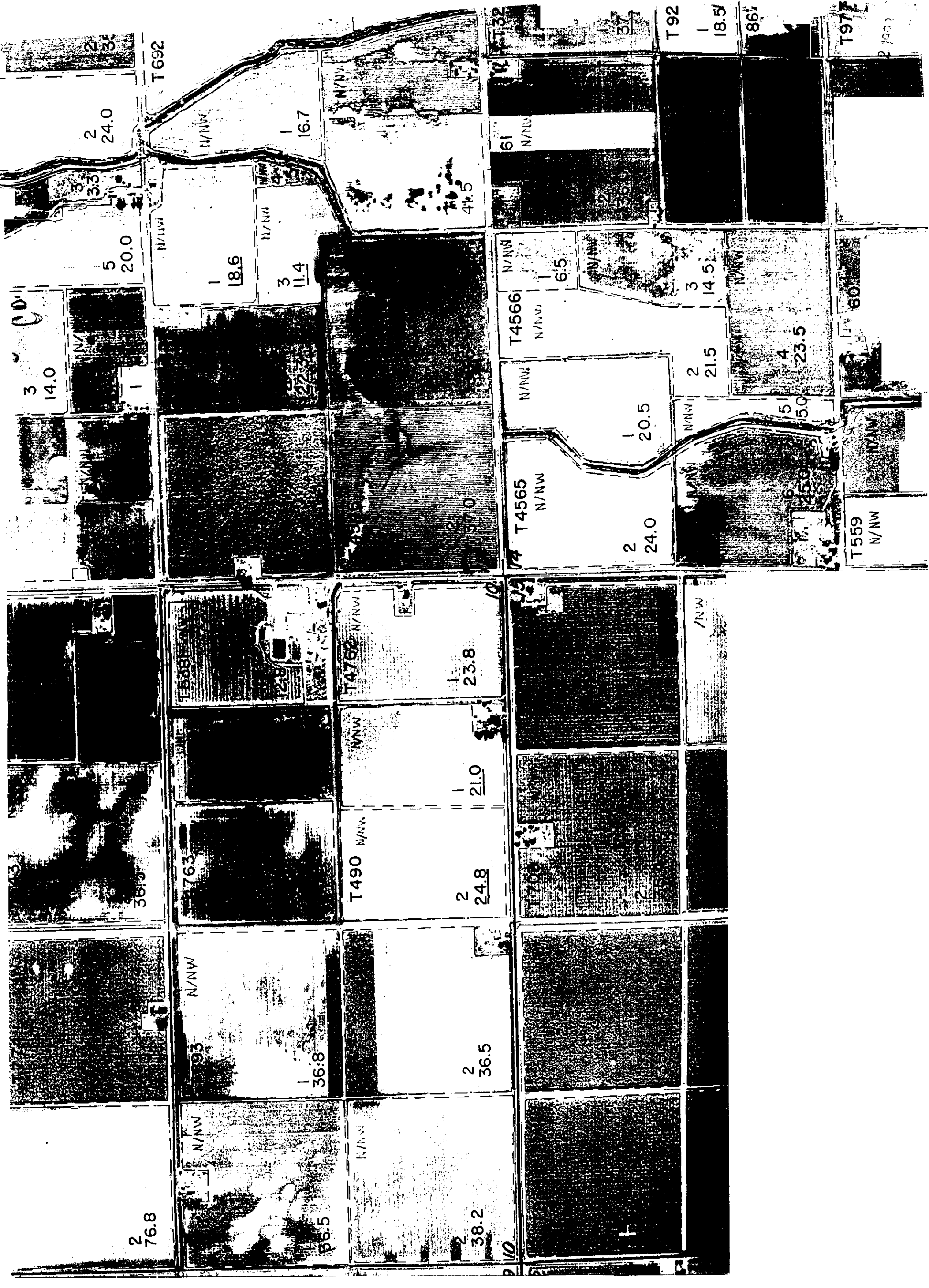
Reviewer _____ Date _____

SEAL

NOT REPRODUCED

DEC 02 1993





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

Rim Ranches
Name Ray Czendorf
24034 Batt Corner Rd
Address Parma, ID 83660
Owner's Permit No. 63-91-W-118

7. WATER LEVEL

Static water level 41 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature 72 °F. Quality Clear w/ sulfur odor
Describe artesian or temperature zones below _____

2. NATURE OF WORK

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

8. WELL TEST DATA

Discharge G.P.M.	Pumping Level	Hours Pumped
1800	183	2 hrs
2100	230	2 hrs
2700	260	3 hrs

3. PROPOSED USE

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

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
28"	0	12	Top soil		x
"	12	21	Clay		x
"	21	27	Coarse sand	x	
"	27	31	Gravel & rock up to 6"	x	
"	31	60	Brown clay		x
"	60	67	Sand & pea gravel	x	
"	67	136	Brown clay		x
"	136	142	Coarse sand	x	
"	142	170	Blue clay		x
"	170	172	Coarse blue sand	x	
"	172	174	Blue clay		x
"	174	198	Coarse to fine sand	x	
"	198	225	Blue clay		x
"	225	227	Coarse sand & pea gravel	x	
"	227	242	Blue clay		x
"	242	254	Coarse to fine sand	x	
"	254	297	Blue clay & pea gravel	x	
"	297	313	Fine sand	x	
"	313	315	Coarse sand	x	
"	315	317	Blue clay		x
"	317	322	Coarsesand & pea gravel	x	
"	322	339	Blue clay		x
"	339	343	Pea gravel	x	
"	343	345	Blue clay		x
"	345	360	Coarse to fine sand	x	
"	360	363	Blue clay		x
"	363	365	Coarse to fine sand	x	
"	365	369	Blue clay		x
"	369	404	Fine & coarse sand	x	
"	404	556	Blue clay		x
"	556	582	Fine & coarse sand	x	
"	582		Hard clay stone		x

4. METHOD DRILLED

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

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____
Thickness _____ Diameter _____ From _____ To _____
_____ 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 ☐ Gun
Size of perforation .040 inches by 2 1/2 inches

Number _____ From _____ To _____
24 Row X.04 perforations 193.5" feet 294.1" feet
Mesh X 2 1/2" perforations 319.1" feet 339.1" feet
on 6" center perforations 364.1" feet 394.1" feet

Well screen installed? ☒ Yes ☐ No
Manufacturer's name Roscoe Moss

Type Full flow louvered Model No. _____

Diameter 16" Slot size 1/8 Set from 68.7 feet to 193.9 feet

* Diameter 16" Slot size 1/8 Set from 339.1 feet to 364.1 feet

Gravel packed? ☒ Yes ☐ No ☐ Size of gravel 3/8 minus

Placed from 19 feet to 582 feet

Surface seal depth 19' 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 2" pipe approx 30°

* Dia 16" Sct. 1/8 Set 434.4" to 555.0'

6. LOCATION OF WELL

Sketch map location must agree with written location.

N
W E
S
Subdivision Name Parma
Lot No. _____ Block No. _____
County Canyon

SE 1/4 SE 1/4 Sec. 10, T. 4, R. 5, W. 4

11. DRILLERS CERTIFICATION

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

Firm Name Riverside Drilling Firm No. 333

PO Box 720

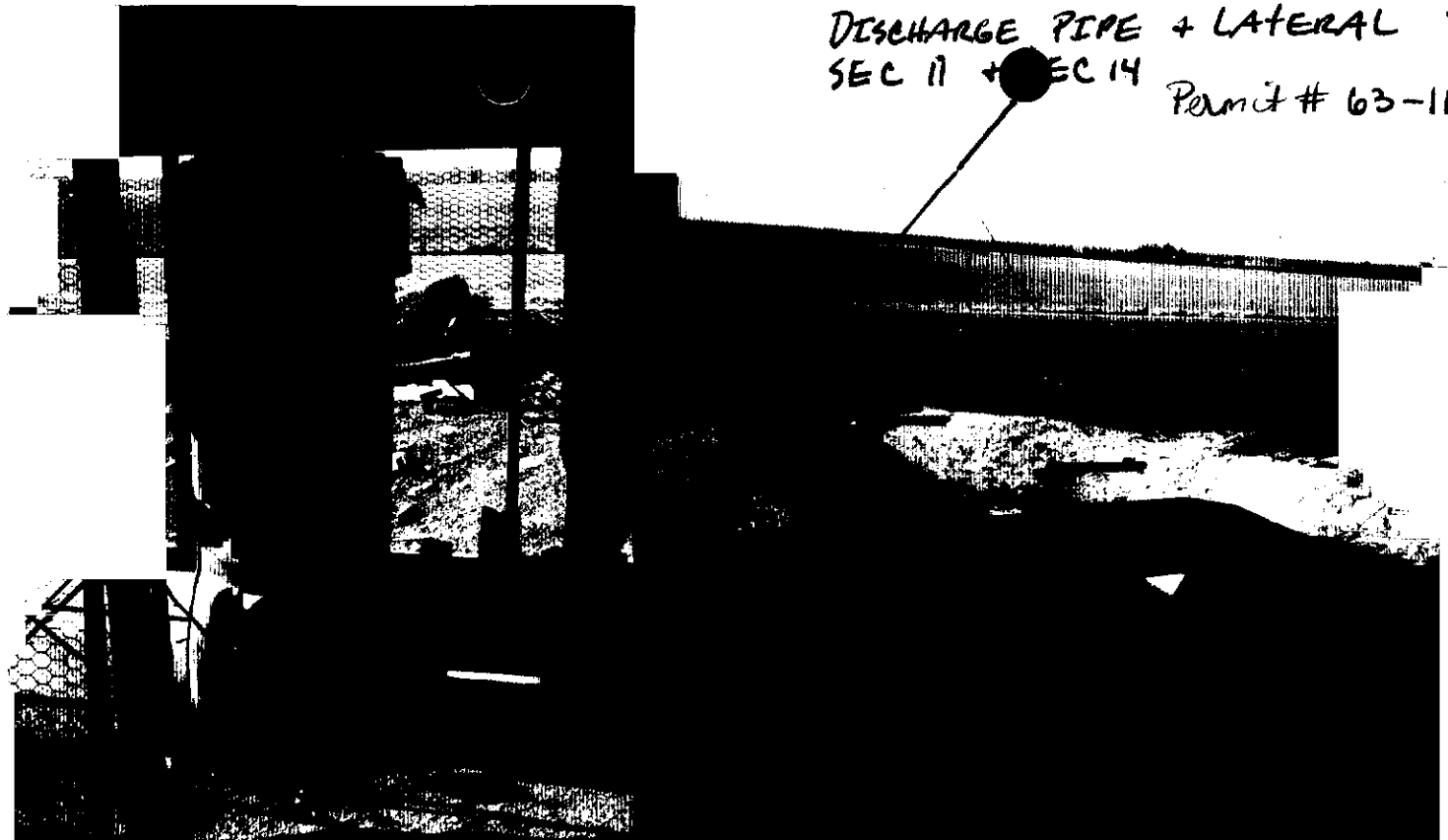
Address Parma, ID 83660 Date 5-31-91

Signed by (Firm Official) Larry L. Daugherty

and

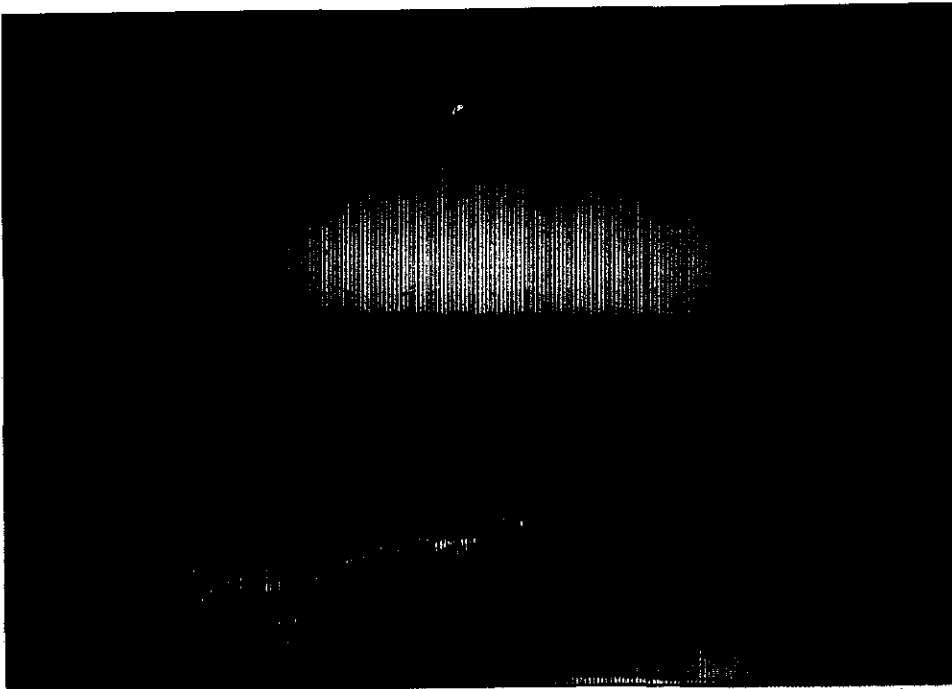
(Operator) Larry L. Daugherty

DISCHARGE PIPE + LATERAL to
SEC 11 + SEC 14 Permit # 63-11474



150 HP WELL + PUMP

DISCHARGE PIPE + DITCH FOR
SEC 10



N $\frac{1}{2}$ SE, SEC 10

DEC 02 1993

Permit # 63-11474



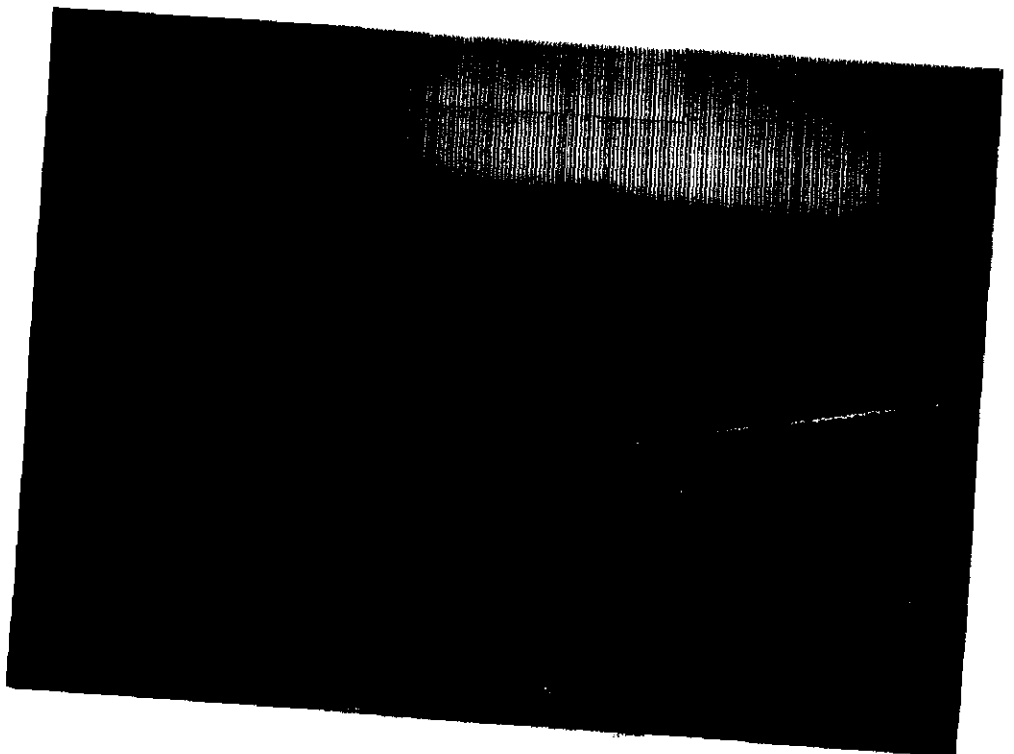
IRR HOP FIELD - SESE sec 10

lateral used to
deliver GW to sec
11 + 14

SWSW irrig acres
in sec 11 +
concrete control
box

MINNESOTA

DEC 02 1993

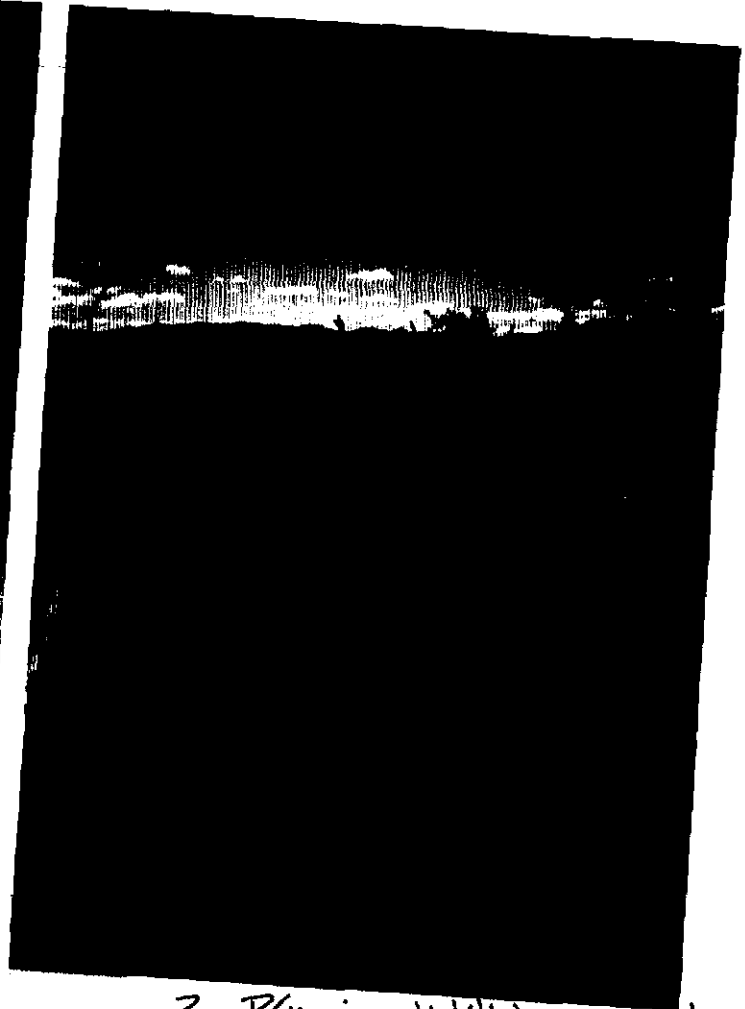


63-11462

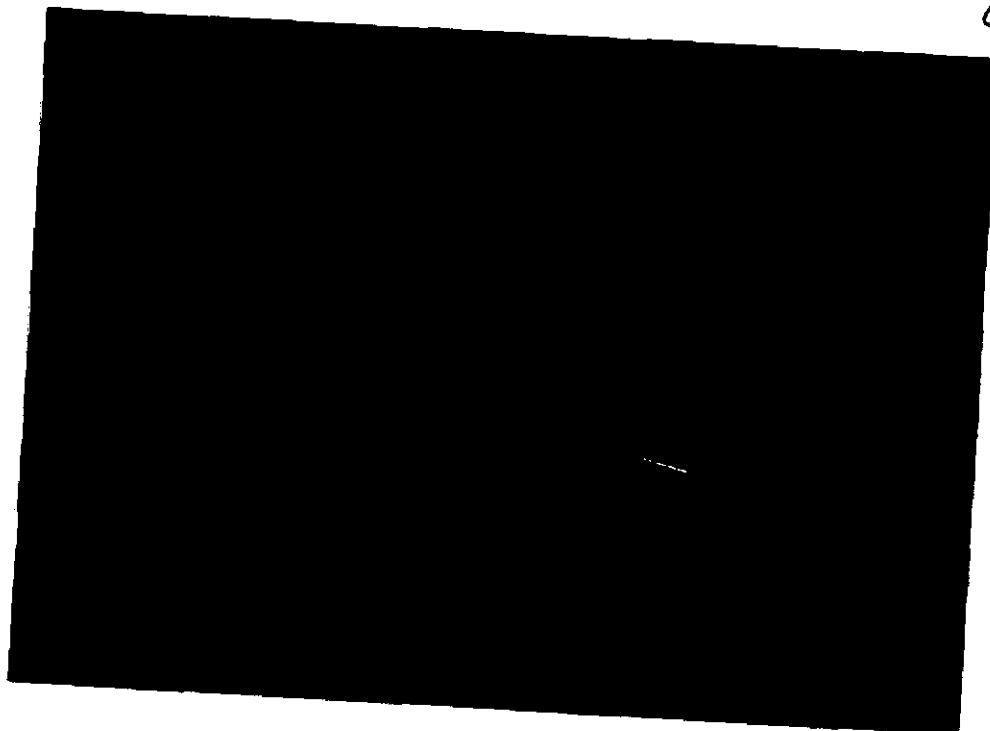
6/8/93



1. P/D



2. P/u in NWNW & SWNW.
Cement ditch in background
serves SWNW S23



DEC 02 1993

3. P/u in NWNW S23.
Mainline shown
coming up to ditch.
Also shown is
pipeline which
takes water south.

MEMO

DATE: May 27, 1993

FROM: Lori Graves

TO: 63-11474 & 63-11551

RE: Holten's Domestic Well

In April of 1993 Robert and Bonnie Holten called to ask if we could make Ray pay for the replacement of their domestic well which was done in 1992. They said that they had submitted a written complaint to IDWR in 1992 when they started having trouble. After researching our files and asking around the office, I failed to find any record of the complaint. Cindy Hodges remembers talking to the Holtens in regards to their domestic well problems in 1992 but does not recall receiving a written complaint.

It turns out that the Holten's domestic well is located in the SENW, Sec 10, T4N R5W, which is in close proximity to the Rim Ranches irrigation well. The Holten's original well that they replaced was drilled before 1978. According to the conditions set forth in the Memorandum Decision Order for the Rim Ranches permits, compensation may be possible.

The Holten's said that they have approached Ray Obendorf with their well problem and have not been on neighborly terms since. They said that Ray definitely refused to help them pay for their replacement well.

I told the Holten's to submit a written complaint to IDWR stating their concerns and the domestic well problems they encountered. We have yet to receive the written complaint.

Lori Graves

NOT RECORDED

DEC 02 1993

March 12, 1993

RIM RANCHES INC
24034 BATT CORNER RD
PARMA ID 83660

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-11474

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 this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

APR 22 1993

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 63-11474 Reviewed by Klg Date 3/9/93

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

irrigate - 160
Correct Uses? yes

SOURCE OF WATER

Surface water source
✓ Ground water source
yes Drilling permit required?
yes Copy in the file? Drilling Permit No. 63-91-W-0118-000
200 Amount paid for permit yes Correct?
data copy Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
175 Amount Submitted
yes Correct?

MEASURING DEVICE

NA Required?
/ Installed?
/ Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due / -
No. of days late / =
Priority Date / +
New Priority Date /

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address _____ Proof Made 3/4/93
3/11/93 Klg

February 28, 1993

RIM RANCHES INC
24034 BATT CORNER RD
PARMA ID 83660

PROOF DUE NOTICE

RE: PERMIT NO. 63-11474

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

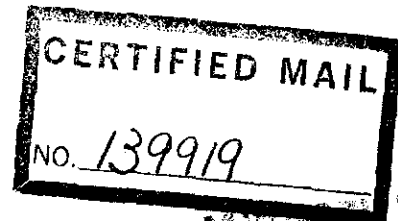
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



APR 22 1993

PERMIT NUMBER	OWNER CODE	NAME & ADDRESS	TWP	RGE	SEC	TRACT	LOT	COUNTY
63-91-W-0118-000	O	RIM RANCHES 24034 BATT CORNER RD PARMA, ID (208) 482-7397	04N	05W	10	SE SE		CANYON
	O	RAY OBENDORF SAME						

Subdivision Location and Description:

Subdivision Name:

Well Site Address:

City, State:

Geographic Location:

Accuracy Code:

Lat: : : N

Long: : : W

Proposed Use of Well: Irrigation Proposed Casing Diameter: In. Proposed Depth: Ft.

Well Use Comments:

Driller License No: 0333

Firm Name: RIVERSIDE DRILLING

Official: DWANE I DAUGHERTY

Permit Status:

Verbal Issue Date:

Date Received:

Date Approved: 04/12/1991

Proposed Start Date:

Extension Date:

Extension Expiration:

Receipt No. Receipt Date \$ Fee

Permit Remarks:

----- WELL DRILLER'S LOG REPORT -----

Drilling Permit No: 63-91-W-0118-000

Water Right No: 63-11474

Injection Permit No:

Nature of Work: NEW WELL

Construction Method: REVERSE ROTARY

Number of Monitor Wells:

Casing Diameter: 16 In.

Depth of Casing: 580 Ft.

Total Depth: 582 Ft.

Screen Installed? Yes

Static Water Level: 41 Ft.

Temperature: 72 F.

Production Rate: 2700.00 GPM

Actual Start Date: 04/25/1991

Well Finish Date: 05/24/1991

Log Received Date: 06/05/1991

Certification Date: 05/31/1991

Field Inspection Date: Inspector:

Well Log Remarks: PERFORATIONS 24 ROWX .04 FROM 193.5 TO 294.1', MESH X 2 1/2 SLOT
FROM 319.1 TO 339.1', ON 6" CENTER FROM 364.1 TO 394.1'. SCREEN
USED TYPE-FULL FLOW LOUVERED SET FROM 168.5 TO 193.5, 339.1 TO
364.1', FROM 434.4 TO 555'.

APR 22 1993

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APR 16 1991

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT

Department of Water Resources

1. Applicant (please print) Rim Ranches
2. Mailing Address 94034 Batt. CORNER Rd. Darna
Telephone 482-7397

☒ Well Owner () Well Operator () Other, specify _____

3. Proposed well location SE 1/4 NE 1/4, or Gov't Lot No. _____

Sec. 10, Twp. 4N, Rge. 5W, County Canyon

Street Address of Well Site _____

Lot, block and subdivision _____

4. Proposed use of well:

- () Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

- ☒ Non-Domestic: Any beneficial use not included within the definition of domestic.

() Injection

- () Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____

5. Well construction information:

A. ☒ New well () Deepen () Replace - See Condition 9

B. Proposed Surface Diameter 16" Proposed Maximum Depth 400-600'

C. Anticipated bottom hole temperature:

- ☒ 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212° or more (Geothermal well)

6. Construction Start Date APR 22 1993

7. Anticipated Well Driller Ricker Side Elect & Pump
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature Gray Chondong Date 4-12-91

Title _____
(Owner, Firm Representative, Other)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is Approved Date 4/12/91

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

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules Regulations.

SPECIFIC CONDITIONS:

10. Water cannot be diverted from this well until
Permit No. 63-11474 is approved.

Steve Lester for
Signature of Authorized Department Representative

Manager, Western Region
Title

Receipt No. W013203 Received by JFW Fee 200 Date 4/12/91

MICROFILMED

APR 22 1993

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.



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

June 30, 1992

Dear Interested Party:

Enclosed is a copy of the Order Denying Petition for Rehearing.

The only option now available is to seek judicial review of the matter pursuant to Section 42-1701(4), Idaho Code.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads 'L. Glen Saxton'.

L. Glen Saxton
Chief, Water Allocation Bureau

Enclosure: Order
Certificate of Mailing

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APR 22 1993

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JUN 18 1992

Department of Water Resources
Western Regional Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-11551, AND)
APPLICATION FOR AMENDMENT OF)
PERMIT NO. 63-11474, BOTH IN)
THE NAME OF RIM RANCHES, INC.)

AFFIDAVIT OF CERTIFIED
MAILING

STATE OF IDAHO)
COUNTY OF ADA) ss:

JOHN T. SCHROEDER, After first being duly sworn, deposes and states: A true and correct copy of the following: Rim Ranches, Inc. Limited Exceptions To Memorandum Decision; Responsive Memorandum of Applicant to Exceptions Filed by SSI Food Service, Inc.; and Answer to Petition for Rehearing by Protestant SSI, was mailed by Certified Mail to those individuals and entities as named and listed on Exhibit "A" which is attached hereto and incorporated herein by reference as if set forth in full.

Dated this 18th day of June, 1992.

John T. Schroeder
JOHN T. SCHROEDER

SUBSCRIBED AND SWORN To before me this 18th day of June, 1992.

Robert L. Holmberg
Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires: 3/12/96

AFFIDAVIT OF CERTIFIED MAILING - Final

APR 22 1993

EXHIBIT "A"

CERTIFIED MAILING MATRIX

Rim Ranches, Inc.
c/o Ray Obendorf
24034 Batt Corner Rd.
Parma, Idaho 83660

Tim Hetrick
1217 3rd St. So.
Nampa, Idaho 83651

Rolly & Margaret Lincoln
27254 Fern Lane
Wilder, Idaho 83676

Jim & Eva Dowling
Fern Lane
Wilder, Idaho 83676

Sherl Chapman
410 S. Orchard, Suite 144
Boise, Idaho 83705

Keith Anderson
432 Summit Ridge Road
Boise, Idaho 83702

Mr. Richard B. Eismann, Esq.
Eismann Law Offices
3016 Caldwell Boulevard
Nampa, Idaho 83651-6416

Don & Shirley Mills
Route 2, Penny Lane
Wilder, Idaho 83676

Irwin & Betty Hetrick
26373 Red Tp. Rd.
Wilder, Idaho 83676

Kay & Marie Yasuda
25724 Fern Lane
Wilder, Idaho 83676

E.A. Brewer
Larry Carlson
Fern Lane
Wilder, Idaho 83676

Dale Smith
Box 950
Fruitland, Idaho 83619

Dennis J. Sallaz, Esq.
P.O. Box 8956
Boise, Idaho 83707

CERTIFIED MAILING MATRIX

APR 22 1993

JUN 18 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

**ANSWER TO PETITION FOR
REHEARING BY PROTESTANT
SSI**

SSI Paragraph 1:

"C": Applicant Rim Ranches believes the Memorandum Decision adequately addressed the Tender of Conditions filed by the Applicant Rim Ranches, Inc. Applicant objects to the Petition/Exception to the extent it is inconsistent with

SECRET

22 1993

Applicant's Tender of Conditions.

"D": Applicant Rim Ranches believes the Memorandum Decision adequately addressed the alleged Exception D of SSI and Rim Ranches urges the Department that the evidence at the Hearing did not support such an Exception.

"E": Applicant Rim Ranches believes the Memorandum Decision adequately addressed the alleged Exception E of SSI and Rim Ranches urges the Department that said alleged Exception is not supported by the evidence at the hearing or the law and authority.

"F": Applicant Rim Ranches believes the Memorandum Decision adequately addressed the alleged Exception D and Rim Ranches urges the Department that said alleged Exception is not supported by the evidence at the hearing, and is not supported by the law and authority.

"G": Applicant Rim Ranches believes that the Memorandum Decision is supported by the facts and law.

"H": Applicant Rim Ranches believes the Memorandum Decision adequately addressed the alleged Exception H, and Rim Ranches urges the Department that said alleged Exception H is not supported by the evidence at the hearing, and is not supported by the law and authority.

SSI Paragraph 2: The issue as stated in this paragraph was addressed in the report of Steven Baker from the Idaho Department of Water Resources, as well as the experts who testified at the hearing. Applicant Rim Ranches urges the Department that the evidence at the hearing, nor the law and authority, supports this

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claim in Paragraph 2 by Protestant.

SSI Paragraph 3: The issue as stated in this paragraph was addressed in the report of Steven Baker from the Idaho Department of Water Resources, as well as the experts who testified at the hearing. Applicant Rim Ranches urges the Department that the evidence at the hearing, nor the law and authority, supports this claim in Paragraph 3 by Protestant.

SSI Paragraph 4: Applicant Rim Ranches urges the Department that the claims within Paragraph 4 are not relevant. Applicant Rim Ranches filed its Applications in early 1991 as the evidence and record indicates. Applicant Rim Ranches urges the Department the the evidence at the hearing, and the law and authority, supported the Memorandum Decision.

SSI Paragraph 5: As the evidence at the hearing indicated, the well of Protestant SSI has not been impacted in any manner. Protestant SSI has been able to obtain water at a pumping level that is significantly, if not substantially, far above the bottom depth of its existing well. Applicant Rim Ranches respectfully urges that the claims in paragraph 5 of SSI are not relevant, and are purely speculative. Protestant SSI has suffered no injury or impact to its well.

SSI Paragraph 6: Applicant Rim Ranches incorporates herein the response included within Paragraph 5 above.

SSI Paragraph 7: Applicant Rim Ranches urges the Department that the claims of SSI within paragraph 7 are not relevant, and the issue of the drought was addressed at the hearing as well as by the

APR 22 1993

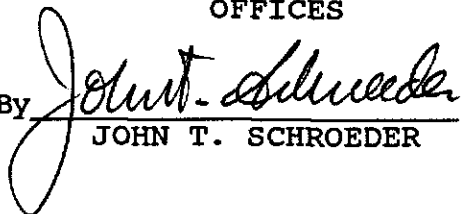
Department.

SSI Paragraph 8: Applicant Rim Ranches urges the Department that the Memorandum Decision, and the evidence and issues presented at the hearing, adequately addressed the issues of the local public interest as to all parties.

SSI Paragraph 9: Applicant Rim Ranches respectfully urges the Department that the Petition for a Rehearing should be denied.

Dated this 18th day of June, 1992.

SCHROEDER & LEZAMIZ LAW
OFFICES

BY 
JOHN T. SCHROEDER

APR 22 1993

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing Answer to Petition for Rehearing was mailed, postage pre-paid, by **Certified** mail, to the following parties and individuals:

Rim Ranches, Inc.
c/o Ray Obendorf
24034 Batt Corner Rd.
Parma, Idaho 83660

Don & Shirley Mills
Route 2, Penny Lane
Wilder, Idaho 83676

Tim Hetrick
1217 3rd St. So.
Nampa, Idaho 83651

Irwin & Betty Hetrick
26373 Red Tp. Rd.
Wilder, Idaho 83676

Rolly & Margaret Lincoln
27254 Fern Lane
Wilder, Idaho 83676

Kay & Marie Yasuda
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Wilder, Idaho 83676

Jim & Eva Dowling
Fern Lane
Wilder, Idaho 83676

E.A. Brewer
Larry Carlson
Fern Lane
Wilder, Idaho 83676

Sherl Chapman
410 S. Orchard, Suite 144
Boise, Idaho 83705

Dale Smith
Box 950
Fruitland, Idaho 83619

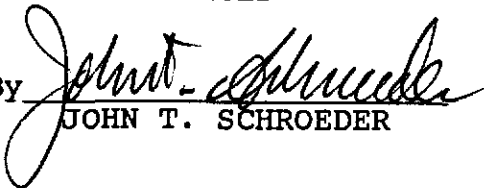
Keith Anderson
432 Summit Ridge Road
Boise, Idaho 83702

Dennis J. Sallaz, Esq.
P.O. Box 8956
Boise, Idaho 83707

Mr. Richard B. Eismann, Esq.
Eismann Law Offices
3016 Caldwell Boulevard
Nampa, Idaho 83651-6416

Dated this 18th day of June, 1992.

SCHROEDER & LEZAMIZ LAW
OFFICES

By 
JOHN T. SCHROEDER

APR 22 1993

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JUN 8 1992

Department of Water Resources

Richard B. Eismann
Eismann Law Offices
3016 Caldwell Boulevard
Nampa, Idaho 83651-6416
Telephone: (208) 467-3100
Facsimile: (208) 466-4498
JS/4/RBE

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 63-11551 AND
APPLICATION FOR AMENDMENT OF
PERMIT NO. 63-11474 IN THE
NAME OF RIM RANCHES, INC.

RIM RANCHES, INC.,

Applicant,

IRWIN AND BETTY HETRICK; TIM
HETRICK; DON AND SHIRLEY MILLS;
and SSI FOOD SERVICES, INC.,

Protestants.

PETITION FOR REHEARING
BY PROTESTANT, SSI

DEFINITIONS: When used in this petition the terms following
shall have the meanings following:

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APR 22 1993

- "applicant" means Rim Ranches, Inc.
- "protestant" means SSI Food Services, Inc.
- "water application" means Application for Permit No. 63-11551 and Application for Amendment of Permit No. 63-11474 in the name of Rim Ranches, Inc.
- "Department" means the Department of Water Resources for the State of Idaho.
- "Exceptions" means the protestant's Exceptions to Proposed Memorandum Decision and Order of the Department dated May 4, 1992.
- "memorandum decision and order" means the Memorandum Decision and Order Approving Application for Permit and Application for Amendment dated May 15, 1992.

PETITION FOR REHEARING: Request for a rehearing before the Department is made by the protestant on the grounds and for the reasons following:

1. The memorandum decision and order contains deficiencies in addressing the Exceptions:

A. The memorandum decision and order fails to include EXCEPTION A which is undisputed in the evidence submitted at the hearing.

B. The memorandum decision and order fails to adequately and effectively address EXCEPTION B.

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C. The memorandum decision and order fails to adequately and effectively address EXCEPTION C which was agreed to by the applicant at the hearing.

D. The memorandum decision and order fails to address EXCEPTION D which is undisputed in the evidence submitted at the hearing.

E. The memorandum decision and order fails to address EXCEPTION E in sufficient detail to be enforceable in subsequent proceedings.

F. The memorandum decision and order fails to adequately and effectively address EXCEPTION F which is appropriate and required to adequately protect prior right holders including this protestant.

G. The memorandum decision and order fails to adequately and effectively address EXCEPTION G and leaves the installation of a measuring device to future determination.

H. The memorandum decision and order fails to address EXCEPTION H which leaves the whole question of economic pumping levels and the time reasonably required to adjust wells, pumps and motors to future determination and this failure will result in massive losses to the protestant and its employees and customers.

2. The Department knows and has records showing drought conditions have existed in southwestern Idaho beginning with the year 1986 and continuing to date which has substantially reduced the rate of recharge of underground water.

3. The Department knows and has records showing that the drought conditions existing in southwestern Idaho may continue for several years which will further substantially reduce the rate of recharge of underground waters.

4. The Department in recognition of the past years of drought and the substantial possibility of future years of drought in southwestern Idaho has imposed severe restrictions and prohibitions of new applications for well drilling permits.

5. The Department has failed and refused to establish an economic pumping level.

6. The failure of the Department to determine the economic pumping level has left every prior right holder in a position where such prior right holders cannot rebuild wells and replace pumps and motors with any assurance that their wells must be rebuilt or their pumps and motors replaced on several separate subsequent occasions at unknown cost until an economic pumping level is established.

7. The available well drillers are now committed for some six months in drilling new wells and servicing existing wells and pumps to meet the existing drought conditions.

8. The memorandum decision and order fails to adequately address the public interest in that the cost of obtaining water to holders of prior rights will be increased dramatically; therefore, the water application would not be in the local public interest.

Idaho Code §42-203A(5) states in part:

APR 22 1993

In all applications whether protested or not protested, where the proposed use is such . . . (3) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions . . .

The criterion for evaluation of the local public interest found in Idaho Code §42-203A(5) is defined by Water Appropriation Rule 5,1,5. to include:

5,1,5,1. The effect the project will have on the economy of the local area affected by the proposed use as determined by the employment opportunities, both long and short term, revenue changes to various sectors of the economy, short and long term, and the stability of revenue and employment gains;

5,1,5,2. The effect the project will have on recreation, fish and wildlife resources in the local area affected by the proposed use; and

5,1,5,3. Compliance with the applicable air, water and hazardous substance standards, and compliance with planning and zoning ordinances of local or state government jurisdictions.

The cost to protestant in operating its plant will substantially increase, and the cost to all water users for pumping of water will increase should the water application be granted permanently. These increases will definitely "conflict with the local public interest" which is contrary to Idaho Code §42-203A, and the Department failed to fully evaluate the local public interest as set forth in Water Appropriation Rule 5,1,5.

APR 22 1988

9. The protestant respectfully requests that the Department grant a rehearing in this matter and that the protestant will produce new and additional evidence on paragraphs numbered 2 through 8 above.

SERVICE BY MAIL: The undersigned hereby certifies that a true copy hereof was this date mailed to:

Rim Ranches, Inc.
c/o Ray Obendorf
24034 Batt Corner Rd.
Parma, ID 83660

Don & Shirley Mills
Route 2, Penny Lane
Wilder, ID 83676

Tim Hetrick
1217 3rd St. So.
Nampa, ID 83651

Irwin & Betty Hetrick
26373 Red Top Rd.
Wilder, ID 83676

Rolly & Margaret Lincoln
27254 Fern Lane
Wilder, ID 83676

Kay & Marie Yasuda
25724 Fern Lane
Wilder, ID 83676

Jim & Eva Dowling
Fern Lane
Wilder, ID 83676

E. A. Brewer
Larry Carlson
Fern Lane
Wilder, ID 83676

W. F. Schroeder
P. O. Box 220
Vale, OR 97918

John T. Schroeder
P. O. Box 267
Boise, ID 83701

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Dale Smith
Box 950
Fruitland, ID 83619

Keith Anderson
432 Summit Ridge Road
Boise, ID 83702

DATED: JUN 8 1992

SIGNED:



Richard B. Eismann

Counsel for SSI Food Services, Inc.



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

May 18, 1992

Rim Ranches, Inc.
c/o Ray Obendorf
24034 Batt Corner Road
Parma, ID 83660

Re: Permit No. 63-11551 and 63-11474

Dear Permit Holder:

Enclosed are copies of the Final Order approving your Application for Amendment of a Permit and Application for a Permit. Also enclosed are the approved Amendment and the approved Application.

Any person who does not agree with the decision of the department may request a rehearing before the Director within 20 days, or may appeal directly to the district court within 30 days of the date the decision is mailed.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

L. Glen Saxton
Chief, Water Allocation Bureau

Enclosures

c: IDWR - Regional Office

RECEIVED
MAY 20 1992

MAY - 4 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

**RIM RANCHES, INC.'S
LIMITED EXCEPTION TO
MEMORANDUM DECISION
DATED APRIL 17, 1992**

REF FILMED
MAY 20 1992

The Applicant also takes a limited Exception to the following on Page 8 and 9 of the Decision:

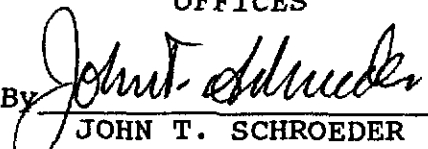
" 3. The permit holder is responsible to ensure that pumpage under these water rights does not directly cause the water level in any domestic well drilled and in use prior to March 29, 1978, to be lowered so as to require modification to the well or pumping system or to cause the water level in any other well having a prior right to exceed a reasonable pumping level, unless the permit holder provides a reasonable compensation or mitigation, as determined by the director, to the prior water right holder for the reduced water levels."

Applicant Rim Ranches, Inc., agrees to this decision and proposed Order, but Applicant desires that the decision and Order state that said finding/order is without prejudice as to Applicant's right to claim that irrigation or domestic wells, other than those of Applicant's, are directly or indirectly affecting any prior water right and therefore said other wells must also contribute to any compensation or mitigation to the reduced water level of any prior water right.

Applicant respectfully requests oral argument on this limited Exception, if the Department should request any such argument.

Dated this 04th day of May, 1992.

SCHROEDER & LEZAMIZ LAW
OFFICES

By 
JOHN T. SCHROEDER
Attorney for Applicant
Rim Ranches, Inc.

MICROFILMED
MAY 20 1992

CERTIFICATE OF MAILING

I HEREBY CERTIFY That a true and correct copy of the foregoing Exception was mailed to the following individuals and Counsel by first class mail, postage pre-paid:

Irwin & Betty Hetrick
26373 Red Top Rd.
Wilder, Idaho 83676

Kay & Marie Yasuda
25724 Fern Lane
Wilder, Idaho 83676

Mr. Dale Smith, Esq.
Attorney for Mills
P.O. Box 950
Fruitland, Idaho 83619

Don & Shirley Mills
Route 2, Penny Lane
Wilder, Idaho 83676

Rolly & Margaret Lincoln
27254 Fern Lane
Wilder, Idaho 83676

Jim & Eva Dowling
Fern Lane
Wilder, Idaho 83676

Mr. Tim Hetrick
1217 3rd Street S.
Nampa, Idaho 83651

SSI Food Services
c/o Mr. Richard B. Eismann
3016 Caldwell Blvd.
Nampa, Idaho 83651-6416

E.A. Brewer
Larry Carlson
Fern Lane
Wilder, Idaho 83676

MICROFILMED
MAY 20 1992

Mr. Sherl Chapman
410 S. Orchard
Suite 144
Boise, Idaho 837056

Dated this 04th day of May, 1992.

SCHROEDER & LEZAMIZ LAW
OFFICES

By John T. Schroeder
JOHN T. SCHROEDER

MAY 20 1992

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MAY 04 1992

Department of Water Resources

Richard B. Eismann
Eismann Law Offices
3016 Caldwell Boulevard
Nampa, Idaho 83651-6416
Telephone: (208) 467-3100
Facsimile: (208) 466-4498
JS/4/RBE

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 63-11551 AND
PERMIT NO. 63-11474 IN THE
NAME OF RIM RANCHES, INC.

RIM RANCHES, INC.,

Applicant,

IRWIN AND BETTY HETRICK; TIM
HETRICK; DON AND SHIRLEY MILLS;
and SSI FOOD SERVICES, INC.,

Protestants.

EXCEPTIONS TO PROPOSED MEMORANDUM DECISION
AND ORDER OF THE DEPARTMENT
AND REQUEST FOR ORAL ARGUMENT BEFORE THE DIRECTOR

SSI Foods Services, Inc. hereby makes exception to the
Proposed Memorandum Decision and Order Approving Application
for Permit and Application for Amendment as follows:

EXCEPTIONS TO PROPOSED MEMORANDUM DECISION AND
ORDER OF THE DEPARTMENT AND REQUEST FOR ORAL
ARGUMENT BEFORE THE DIRECTOR - PAGE 1

EISMANN LAW OFFICES
3016 CALDWELL BLVD.
NAMPA, IDAHO 83651-6416
(208) 467-3100

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MAY 20 1992

A. Findings of Fact - Paragraph 19. There should be added to the findings in paragraph 19 as disclosed by the evidence introduced at the hearing the following:

Additional reduction of water in the year 1992 will serve to reduce recharge even more than in the past since the Boise Project Board of Control anticipates it will supply approximately one acre foot per acre for the year 1992.

B. Findings of Fact - New Paragraph 25. A new finding of fact to be numbered 25 should be added which should read and provide as follows:

25. The applicant filed at the hearing a tender of conditions, a copy of which is marked Exhibit A, attached hereto and by this reference incorporated herein.

C. Findings of Fact - New Paragraph 26. A new finding of fact to be numbered 26 should be added which should read and provide as follows:

26. The applicant agreed at the hearing that no irrigation water provided through the Wilder Irrigation District for the subject lands would be transferred to any other lands.

D. Findings of Fact - New Paragraph 27. A new finding of fact to be numbered 27 should be added which should read and provide as follows:

27. An interruption in the supply of water from the well operated and maintained by SSI Food Services, Inc. would have extreme adverse effects on

the economy of the community and on the business of SSI Food Services, Inc. resulting in interruption of employment of its 250 to 300 employees who mostly live in the Wilder, Parma, Homedale and Caldwell areas, its loss of customer relations by failure to make deliveries timely and its reduction in purchases of meat products locally which average some \$900,000.00 per week.

E. Order - New Paragraph 8. A new order provision to be numbered 8 should be added which should read and provide as follows:

8. The permit holder shall not transfer any water available through such surface water rights for use on any other lands.

F. Order - New Paragraph 9. A new order provision to be numbered 9 should be added which should read and provide as follows:

9. The permit holder shall utilize water from the surface water rights until such surface water rights are exhausted before diverting water under these water rights.

G. Order - New Paragraph 10. A new order provision to be numbered 10 should be added which should read and provide as follows:

10. The permit holder shall install a flow meter approved by the Department on the well identified in the applications and amendment to application which may be monitored by the Department as the Department deems necessary.

H. Order - New Paragraph 10. A new order provision to be numbered 11 should be added which should read and provide as follows:

11. The permit holder shall upon the issuance by the Director and service upon the permit holder of a summary order so requiring cease diverting all water from these water rights when it appears to the Director that the commercial well of SSI Food Services, Inc. is failing to produce the quantity of water allowed by the permit held by SSI Food Services, Inc. because of reduced underground water levels which summary order shall be for the period of time determined by the Director to be a reasonable period of time within which SSI Food Services, Inc. may initiate and complete modification to its well and pumping system so that it is not deprived of water from its commercial well.

ORAL ARGUMENT REQUESTED: SSI Food Services, Inc. hereby requests oral argument before the Director on the Proposed Memorandum Decision and on these Exceptions.

DATED: MAY - 4 1992

SIGNED:



Richard B. Eismann

Counsel for SSI Food Services, Inc.

RECORDED
MAY 20 1992

EISMANN LAW OFFICES
3016 CALDWELL BLVD.
NAMPA, IDAHO 83651-6416
(208) 467-3100

CERTIFICATE OF MAILING

The undersigned hereby certifies that a true and correct copy hereof was this date mailed to:

Rim Ranches, Inc.
c/o Ray Obendorf
24034 Batt Corner Rd.
Parma, ID 83660

Don & Shirley Mills
Route 2, Penny Lane
Wilder, ID 83676

Tim Hetrick
1217 3rd St. So.
Nampa, ID 83651

Irwin & Betty Hetrick
26373 Red Top Rd.
Wilder, ID 83676

Rolly & Margaret Lincoln
27254 Fern Lane
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Kay & Marie Yasuda
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Jim & Eva Dowling
Fern Lane
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E. A. Brewer
Larry Carlson
Fern Lane
Wilder, ID 83676

W. F. Schroeder
P. O. Box 220
Vale, OR 97918

John T. Schroeder
P. O. Box 267
Boise, ID 83701

Sherl Chapman
410 S. Orchard, Suite 144
Boise, ID 83705

Dale Smith
Box 950
Fruitland, ID 83619

Keith Anderson
432 Summit Ridge Road
Boise, ID 83702

DATED: MAY - 4 1992

SIGNED: 

Richard B. Eismann

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MAY 20 1992

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RBE**RECEIVED**

MAR 08 1992

Department of Water Resources
Western Regional OfficeBEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHOIN THE MATTER OF APPLICATION
FOR PERMIT NO. 63-11551, AND
APPLICATION FOR AMENDMENT OF
PERMIT NO. 63-11474, BOTH IN
THE NAME OF RIM RANCHES, INC.

Applicant tenders the annexed conditions to the granting
of their applications and amendment to application pending for
hearing before the Department.

March 3, 1992.

Schroeder & Lezamiz

By John Schroeder

William F. Schroeder P.C.

By [Signature]

Rim Ranches, Inc.

By Ray O. Benson

Certificate of Service

I certify that on March 3, 1992 I served a copy of this Tender upon
the lawyer for the protestant(s) identified in the annexed Tender
of Conditions by sending the same by telecopy transmission to the
office of said lawyer.

John Schroeder**MICROFILMED**

MAY 20 1992

TENDER OF CONDITIONS

WHEREAS, Rim Ranches, Inc. has applied for the withdrawal and use of groundwater and that such applications have been accepted and pend before the Idaho Department of Water Resources, identified by its numbers 63-11551 and 63-11474; and

WHEREAS, SSI Food Services, Inc. has protested;¹

Applicant tenders its acceptance of the following conditions to the granting of the applications:

1. A flow meter, as determined by the Department will be installed on the well identified in the applications and amendment to the application, to be monitored by the Department.
2. Applicant will annually use water deliverable by the Wilder Irrigation District for the irrigation of land described within the applications and the amendment to the application, to the extent, as, and when such water is made available by the District for the irrigation of such lands.
3. Applicant will not withdraw ground water from the well identified in the applications and amendment to the application, at a rate of flow in excess of 3.9 cubic feet per second.
4. The place of use of the ground water withdrawn pursuant to the granting of the applications will be limited to the

¹ See, letter from Rim Ranches, Inc. to Department of Water Resources, September 23, 1991. Rim Ranches, Inc. objects to the extent that the protest as to 63-11551 was out of time and that the Department nevertheless allowed protestant intervenor status and thereby impermissibly enlarged the protest period. Rim Ranches further renews its objection to the filing of Richard B. Eismann as constituting a protest to both applications for the reasons stated in said letter. Objections are waived upon the granting of the applications upon the tendered conditions.

MAY 20 1992

lands described in the applications and amendment thereto, consisting in total of approximately 300 acres.

5. Such determinations which may be made pursuant to these conditions may be commenced by the Department upon the application of applicants or protestant as a contested case hearing before the Department.

5. These conditions bind the applicant, its successors and assigns.

March 5, 1992.

Rim Ranches, Inc.

By

Ray Schroeder
President.

FAXED
3.3.92

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EXHIBIT A

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED
JAN 28 1992

Department of Water Resources

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-11551, AND)
APPLICATION FOR AMENDMENT OF)
PERMIT NO. 63-11474, BOTH IN THE)
NAME OF RIM RANCHES, INC.)

NOTICE OF HEARING

On June 4, 1991, Rim Ranches, Inc. filed Application for Permit No. 63-11551. On July 15, 1991, Rim Ranches, Inc. filed an Application for Amendment of Permit No. 63-11474. Both applications are presently protested by Don & Shirley Mills, Tim Hetrick, Irwin and Betty Hetrick, Rolly & Margaret Lincoln, and SSI Food Services, Inc.

A conference was held on August 2, 1991 to review both applications, and aquifer information was subsequently gathered. Another conference held on December 12, 1991 failed to result in the resolution of the protests.

The Department has set the matter of protests to both applications for a hearing to be held on Thursday, March 5, 1992, at 9:00 a.m., at the Canyon County Courthouse, 1115 Albany, Caldwell, ID 83605. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of

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Water Appropriation of the Department of Water Resources.
Opportunity shall be afforded all parties to respond and
present information and argument on all issues involved.

Dated this 27th day of January, 1992.

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

I hereby certify that on the 27th day of January,
1992, I mailed a true and correct copy, postage prepaid, of
this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary

Certified Mail

RIM RANCHES, INC.
C/O RAY OBENDORF
24034 BATT CORNER RD
PARMA ID 83660

DON & SHIRLEY MILLS
ROUTE 2 PENNY LANE
WILDER ID 83676

TIM HETRICK
1217 3RD ST S
NAMPA ID 83651

IRWIN & BETTY HETRICK
26373 RED TOP RD
WILDER ID 83676

ROLLY L & MARGARET LINCOLN
27254 FERN LANE
WILDER ID 83676

SSI FOOD SERVICES INC
C/O RICHARD B EISMANN
3016 CALDWELL BLVD
NAMPA ID 83651-6416

Non-Certified Mail

KAY & MARIE YASUDA
25724 FERN LN
WILDER ID 83676

JIM & EVA DOWLING
FERN LN
WILDER ID 83676

E A BREWER &
LARRY CARLSON
FERN LN
WILDER ID 83676

W F SCHROEDER PC
PO BOX 220
VALE OR 97918

JOHN T. SCHROEDER, ESQ.
P.O. BOX 267
BOISE, ID 83701

SHERL CHAPMAN
410 S ORCHARD SUITE 144
BOISE ID 83705

MICROFILMED
MAY 20 1992

CONFERENCE AND HEARING PROCEDURE

IN THE MATTER OF A PROTESTED APPLICATION FOR PERMIT

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

- 1) Will the proposed use reduce the quantity of water under existing 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 proposed project?
- 5) Will the proposed use conflict with the local public interest?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1,2,3,4,& 6 above, that is, the applicant has the burden of coming forward with evidence for evaluation of those criteria.

The initial burden of proof on issue 5, local public interest, lies with the both the applicant and protestant as to factors which they are most knowledgeable and cognizant of. The applicant has the ultimate burden of persuasion with respect to this issue.

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

FILED
MAY 20 1992

At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not predjudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

EXHIBITS

If any party at a hearing intends to present an exhibit to augment the hearing record, such party shall in advance of the hearing, prepare sufficient copies of the exhibit for distribution to all parties at the hearing.

RECORDED & INDEXED
MAY 20 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

January 14, 1992

RECEIVED
JAN 16 1992

William F. Schroeder, Esq.
P.O. Box 220
Vale, OR 97918

Department of Water Resources

John T. Schroeder, Esq.
P.O. Box 267
Boise, ID 83701

RE: Application for Permit No. 63-11551 and Application for
Amendment of Permit No. 63-11474, in the Name of
Rim Ranches, Inc.

Gentlemen:

We are in receipt of your correspondence dated January 2 and 10, 1992. The purpose of this letter is to respond to issues addressed in both letters.

1. **Hearing Date.** Per your request we will not send out notices confirming March 4, 1992 as the hearing date, but instead will await further information from you regarding an acceptable date. Based on past experience I have found that Mr. Eismann has a busy schedule, so perhaps you should call his office to coordinate acceptable dates. This office will attempt to accommodate your wishes, with the understanding that we need to hold the hearing as early in March as possible.

2. **Power Records and Canal Delivery Records.** You have requested that this office instruct the protestants in this matter to make power consumption records available as a condition to objections being heard. In this particular case, all protestants except SSI, Inc. have domestic wells, and the SSI, Inc. use is to a large extent commercial/industrial. Yesterday Mr. Keith Anderson called this office to discuss various aspects of the filings, and he indicated that the primary interest in power records relates to pumping for irrigation uses. Accordingly, the Department will not instruct the protestants to make power consumption records available unless the applicant makes a showing as to why the protestants' power consumption information is necessary. Delivery records of the Wilder Irrigation District are available for inspection by any member of the District. The records are located at the Wilder Irrigation District Office, 709 East Cleveland Blvd., Caldwell.

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MAY 20 1992

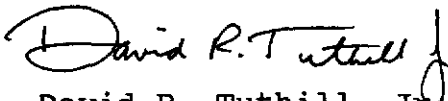
Page 2

William F. Schroeder, John T. Schroeder

3. **Pumping of Existing Model at 6.0 cfs.** You have objected to the use of "worst case" conditions in the evaluation of these applications. However, at the last conference in this matter Mr. Obendorf stated that he would not rule out increasing the capacity of diversion for his proposed supplemental uses. If the applicant agrees to limit the rate of diversion under this project to some rate of flow less than 6.0 cfs, we will reduce the rate of flow in the modeling effort accordingly.

Please feel free to provide further information or comment on any of the above matters.

Sincerely,



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

cf: Norm Young, Steve Baker

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MAY 20 1982



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

December 31, 1991

Distribution: See Attached List

RE: Application for Permit No. 63-11551 and Application for
Amendment of Permit No. 63-11474, in the Name of
Rim Ranches, Inc.

Dear Interested Party:

At the water right conference for the above-referenced matter held on December 12, 1991, we discussed the possibility of additional ground water modeling in the Wilder area, and I agreed to consider requests in this regard.

In a letter dated December 18, 1991, Mr. Eismann requested the Department to run the model for the full amount of the Rim Ranches applications (6.0 cfs) for pumping periods of 14, 30, 60, 90 and 150 days. In a letter dated December 27, 1991, Mr. John T. Schroeder requested that the Department obtain power records for surrounding water users for use in the model.

I have discussed both requests with Department hydrogeologist Mr. Steve Baker. We made the following determinations:

1. The paper prepared by Mr. Baker entitled "Effects of Ground-Water Development in the Wilder Area, Southwest Canyon County, Idaho", dated November 1991, used an assumption that the maximum amount of water provided by a supplemental irrigation well for lands served by the Wilder Irrigation District is 2.22 acre-feet per acre. We feel that this is a reasonable worst-case scenario for drought year situations such as the ones experienced in recent years in the Boise River Basin.
2. Power records for wells in the vicinity of the proposed diversion could be used to estimate the amounts of water that have been pumped from the wells. However, this information would not provide the worst case scenario upon which the model is based, and power record research is beyond the scope of the Department's investigation. While there may be value in this type of research and the Department would not object to the applicant conducting the research at his own expense, the Department will not at this time conduct the power record research as requested.

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MAY 20 1992

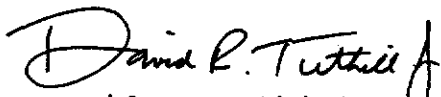
3. The above-referenced application for permit and application for amendment identify supplemental irrigation of 300 acres served by the Wilder Irrigation District. The assumed maximum amount of water pumped for this supplemental use is 2.22 acre-feet per acre per year for 300 acres, or 666 acre-feet per year. If this volume is pumped at a rate of 6.0 cfs, a total pumping period of 56 days is required. If this volume is pumped at a rate of 3.87 cfs (the pumping rate for the presently installed system), a total pumping period of 87 days is required.
4. Mr. Baker has agreed to run the existing model, with and without pumping of surrounding wells, assuming pumping of the Rim Ranches well at 6.0 cfs for periods of 14, 30 and 56 days, and assuming pumping of the Rim Ranches well at 3.87 cfs for periods of 14, 30, 56 and 87 days. Copies of the resulting plots will be sent by this office to the parties on the attached distribution list when they are published.

While we have not agreed to conduct all of the requested investigations, we are hopeful that the modeling that we have agreed to conduct can be utilized by the parties to review the parameter sensitivities for various pumping scenarios in the Wilder area.

If any party objects to the above determinations, please contact this office no later than January 15, 1992. Mr. Baker will plan to run the model during the latter part of the month, and we will attempt to send out the results soon thereafter.

The tentative date for a hearing in this matter is Wednesday, March 4, 1992. Please reserve this date on your calendar and advise this office no later than January 15, 1992 if you cannot attend. If we receive no objections to this date we will plan to distribute formal hearing notices next month.

Sincerely,



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

cf: Glen Saxton, Norm Young, Steve Baker

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MAY 20 1992

List of Interested Parties
In the Matter of Protested
Application for Permit and
Application for Amendment,
Rim Ranches, Inc.

ROLLY L & MARGARET LINCOLN
27254 FERN LANE
WILDER ID 83676

SSI FOOD SERVICES INC
C/O RICHARD B EISMANN
3016 CALDWELL BLVD
NAMPA ID 83651-6416

W R SCHROEDER PC
PO BOX 220
VALE OR 97918

KAY & MARIE YASUDA
25724 FERN LN
WILDER ID 83676

JOHN T. SCHROEDER, ESQ.
PO BOX 267
BOISE ID 83701

JIM & EVA DOWLING
FERN LN
WILDER ID 83676

SHERL CHAPMAN
410 S ORCHARD SUITE 144
BOISE ID 83705

E A BREWER &
LARRY CARLSON
FERN LN
WILDER ID 83676

RIM RANCHES, INC.
C/O RAY OBENDORF
24034 BATT CORNER RD
PARMA ID 83660

DON & SHIRLEY MILLS
ROUTE 2 PENNY LANE
WILDER ID 83676

TIM HETRICK
1217 3RD ST S
NAMPA ID 83651

IRWIN & BETTY HETRICK
26373 RED TOP RD
WILDER ID 83676

MAY 20 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

November 26, 1991

To: See Distribution List

Re: "Effects of Ground-Water Development in the Wilder Area,
Southwest Canyon County, Idaho"

Dear Interested Parties:

Enclosed is a copy of the ground water study in the Wilder Area prepared by Steve Baker of the Department of Water Resources. This is for your review before the conference on December 12, 1991.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

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

DRT:st

Encl.

MICROFILMED

MAY 20 1992

Rem 63-

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge) (Extra charge)

3. Article Addressed to:

KAY & MARIE YASUDA
25724 FERN LN
WILDER ID 83676

4. Article Number

P 860 399 197

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt
for Merchandise

Always obtain signature of addressee
or agent and DATE DELIVERED.

5. Signature — Addressee

X Mary Yasuda

6. Signature — Agent

X Ma Yarden

7. Date of Delivery

11/8/91

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

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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Department of Water Resources
Western Regional Office



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO

↑
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MAY 20 1992

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705



Kim Sanchez 65

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge) (Extra charge)

3. Article Addressed to:

JIM & EVA DOWLING
FERN LN
WILDER ID 83676

4. Article Number

P 860 399 198

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt
for Merchandise

Signature of addressee
or agent **FILED** DATE DELIVERED.

5. Signature — Addressee

X *Jim Dowling*

6. Signature — Agent

X *Elva Dowling*

7. Date of Delivery

11/8/91

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

MAY 20 1992

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
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- Endorse article "Return Receipt Requested" adjacent to number.

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Department of Water Resources
Western Regional Office

PENALTY FOR PRIVATE
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TO



Print Sender's name, address, and ZIP Code in the space below.

MAY 20 1992

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705

63-11551 + 11474

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge) (Extra charge)

3. Article Addressed to:

E A BREWER &
LARRY CARLSON
FERN LN
WILDER ID 83676

4. Article Number

P 860 399 199

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt
for Merchandise

Always obtain signature of addressee
or agent and DATE DELIVERED.

5. Signature — Addressee

X *Lillian Brewer*

6. Signature — Agent

X

7. Date of Delivery

7/8/91

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

MICROFILMED

MAY 20 1992

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

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NOV 11 1991



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO

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MAY 20 1992

Department of Water Resources
Western Regional Office

name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

SSI FOOD SERVICES INC
C/O RICHARD B EISMANN
3016 CALDWELL BLVD
NAMPA ID 83651-641

4. Article Number

P 860 399 196

Additional Services

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

NOV - 8 1991

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

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO



Print your name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705



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USE, \$300

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Department of Water Resources
Western Regional Office

MAILED
MAY 20 1992

Rum 62

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

ROLLY L & MARGARET LINCOLN
27254 FERN LANE
WILDER ID 83676

4. Article Number
P 860 399 200

Type of Service:

☐ Registered	☐ Insured
☒ Certified	☐ COD
☐ Express Mail	☐ Return Receipt for Merchandise

RECEIVED
MAY 20 1992

5. Signature — Addressee
X Dennis Lincoln

ways obtain signature of addressee or agent and DATE DELIVERED.

6. Signature — Agent
X [Signature]

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

7. Date of Delivery
11/8/91

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO

RECEIVED
MAY 20 1992

Print sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705

RECEIVED
NOV 12 1991

Department of Water Resources
Western Regional Office



PENALTY FOR PRIVATE
USE, \$300



Am 63

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

IRWIN & BETTY HETRICK
26373 RED TOP RD
WILDER ID 83676

4. Article Number
P 860 399 192

Type of Service:

☐ Registered	☐ Insured
☒ Certified	☐ COD
☐ Express Mail	☐ Return Receipt for Merchandise

Signature of addressee or agent **RECEIVED**
DATE DELIVERED.

5. Signature - Addressee
X *[Signature]*

8. Addressee's Address (ONLY if requested and fee paid)
MAY 20 1992

6. Signature - Agent
X *[Signature]*

7. Date of Delivery
11/8/91

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "in Request" or "Requested" adjacent to number.

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NOV 11 1991

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Department of Water Resources
Western Regional Office

Print Sender's name, address, and ZIP Code in the space below.



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



MAY 20 1992

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705



● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

TIM HETRICK
1217 3RD ST S
NAMPA ID 83651

4. Article Number

P 860 399 195

Type of Service:

- ☒ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

MAY 20 1992

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X Cindy Towell

7. Date of Delivery

NOV - 8 1991

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

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to purchase price.

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NOV 12 1991



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



MICHAEL MED
MAY 20 1992

Department of Water Resources
Western Regional Office

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705

Kevin 62
● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge) (Extra charge)

3. Article Addressed to:

DON & SHIRLEY MILLS
ROUTE 2 PENNY LANE
WILDER ID 83676

4. Article Number

P 860 399 194

Type of Service:

- | | |
|---|--|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt
for Merchandise |

Always obtain signature of addressee
or agent and DATE DELIVERED.

5. Signature — Addressee

X Shirley F. Mills

6. Signature — Agent

X [Signature]

7. Date of Delivery

11/8/91

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

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO

RECEIVED
12 ~
NOV 11 1991
MICROFILMED

Department of Water Resources

Regional Office ZIP Code in the space below.

MAY 20 1992 **DEPARTMENT OF WATER RESOURCES**
2735 AIRPORT WAY
BOISE, IDAHO 83705



PENALTY FOR PRIVATE
USE, \$300

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

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1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge) (Extra charge)

3. Article Addressed to:

RIM RANCHES, INC.
C/O RAY OBENDORF
24034 BATT CORNER RD
PARMA ID 83660

4. Article Number

860 399 193

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt
for Merchandise

Signature of addressee
or agent to be DELIVERED.

5. Signature Addressee

X

6. Signature Agent

X

7. Date of Delivery

11-9-91

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

MAY 20 1992

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

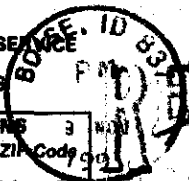
RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

MAY 20 1992

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705



NOV 12 1991

Department of Water Resources
Western Regional Office

PENALTY FOR PRIVATE
USE, \$300



P 860 399 200



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail
(See Reverse)

ROLLY L & MARGARET *Lincoln*
27254 FERN LANE
WILDER ID 83676

Postage	\$ 19
Certified Fee	1 -
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 229

Postmark or Date

PS Form 3800, June 1990

P 860 399 192



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

IRWIN & BETTY HETRICK
26373 RED TOP RD
WILDER ID 83676

PS Form 3800, June 1990

Postage	\$ 29
Certified Fee	1 -
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1 -
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 2 29
Postmark or Date	

P 860 399 193



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

RIM RANCHES, INC.
C/O RAY OBENDORF
24034 BATT CORNER RD
PARMA ID 83660

Postage	\$ 29
Certified Fee	1 —
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1 —
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 229

Postmark or Date

PS Form 3800, June 1990

P 860 399 194



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

DON & SHIRLEY MILLS
ROUTE 2 PENNY LANE
WILDER ID 83676

Postage

\$ 29

Certified Fee

1 -

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing
to Whom & Date Delivered

Return Receipt Showing to Whom,
Date, & Address of Delivery

TOTAL Postage
& Fees

\$ 229

Postmark or Date

PS Form 3800, June 1990

MAY 20 1992

P 860 399 195



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

TIM HETRICK
1217 3RD ST S
NAMPA ID 83651

PS Form 3800, June 1990

Postage	\$ 29
Certified Fee	1 -
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1 -
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 30
Postmark or Date	

P 860 399 196

**Certified Mail Receipt**

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

SSI FOOD SERVICES IN
C/O RICHARD B EISMAN
3016 CALDWELL BLVD
NAMPA ID 83651-6416

Postage	\$ 29
Certified Fee	1-
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1-
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 29

Postmark or Date

PS Form 3800, June 1990

P 860 399 197



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

KAY & MARIE YASUDA
25724 FERN LN
WILDER ID 83676

Postage

\$ 29

Certified Fee

1 -

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing
to Whom & Date Delivered

12

Return Receipt Showing to Whom,
Date, & Address of Delivery

12

TOTAL Postage
& Fees

\$ 229

Postmark or Date

MAY 20 1992

P 860 399 198



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

JIM & EVA DOWLING
FERN LN
WILDER ID 83676

PS Form 3800, June 1990

Postage		\$ 29
Certified Fee		1-
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		1-
Return Receipt Showing to Whom, Date, & Address of Delivery		
TOTAL Postage & Fees		\$ 29

Postmark or Date

P 860 399 199



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

E A BREWER &
LARRY CARLSON
FERN LN
WILDER ID 83676

Postage	\$ 29
Certified Fee	1 -
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1 -
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 329

Postmark or Date

PS Form 3800, June 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
	)	NOTICE OF CONFERENCE
FOR PERMIT NO. 63-11551, AND	)	
	)	
APPLICATION FOR AMENDMENT OF	)	
	)	
PERMIT NO. 63-11474, BOTH IN THE	)	
	)	
<u>NAME OF RIM RANCHES, INC.</u>	)	

On June 4, 1991, Rim Ranches, Inc. filed with the Department of Water Resources an application for permit to appropriate the public waters of the State of Idaho. This application was numbered as 63-11551. The application for permit was protested by Don & Shirley Mills, Tim Hetrick, Irwin and Betty Hetrick and Rolly & Margaret Lincoln. On July 15, 1991, Rim Ranches, Inc. filed an application for amendment of permit no. 63-11474. The application for amendment was protested by Kay & Marie Yasuda, Jim & Eva Dowling, E.A. Brewer and Larry Carlson. SSI Food Services, Inc. filed a timely protest to the application for amendment and petitioned for and was granted intervention in the application for permit. Due to the fact that both applications propose diversions from the same well, protestants to the application for permit are also considered to have status as protestants to the application for amendment.

MAY 20 1992

The Department has set the matter of protest for a conference to be held on Thursday, December 12, 1991, at 1:30 p.m., at the Canyon County Courthouse, 1115 Albany, Caldwell, ID 83605. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 6th day of November, 1991.

David R. Tuthill Jr.

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

I hereby certify that on the 7th day of November, 1991, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor

Sue Taylor
Secretary

Certified Mail

- ✓ RIM RANCHES, INC.
C/O RAY OBENDORF
24034 BATT CORNER RD
PARMA ID 83660
- ✓ DON & SHIRLEY MILLS
ROUTE 2 PENNY LANE
WILDER ID 83676
- ✓ TIM HETRICK
1217 3RD ST S
NAMPA ID 83651

- ✓ IRWIN & BETTY HETRICK
26373 RED TOP RD
WILDER ID 83676
- ✓ ROLLY L & MARGARET LINCOLN
27254 FERN LANE
WILDER ID 83676
- ✓ SSI FOOD SERVICES INC
C/O RICHARD B EISMANN
3016 CALDWELL BLVD
NAMPA ID 83651-6416

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NOV 20 1992

✓ KAY & MARIE YASUDA
25724 FERN LN
WILDER ID 83676

✓ JIM & EVA DOWLING
FERN LN
WILDER ID 83676

✓ E A BREWER &
LARRY CARLSON
FERN LN
WILDER ID 83676

Non-Certified Mail

W F SCHROEDER PC
PO BOX 220
VALE OR 97918

SHERL CHAPMAN
410 S ORCHARD SUITE 144
BOISE ID 83705

RECEIVED
MAY 10 1992

CONFERENCE AND HEARING PROCEDURE
IN THE MATTER OF A PROTESTED APPLICATION FOR PERMIT

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

- 1) Will the proposed use reduce the quantity of water under existing 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 proposed project?
- 5) Will the proposed use conflict with the local public interest?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1,2,3,4,& 6 above, that is, the applicant has the burden of coming forward with evidence for evaluation of those criteria.

The initial burden of proof on issue 5, local public interest, lies with the both the applicant and protestant as to factors which they are most knowledgeable and cognizant of. The applicant has the ultimate burden of persuasion with respect to this issue.

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

EXHIBITS

If any party at a hearing intends to present an exhibit to augment the hearing record, such party shall in advance of the hearing, prepare sufficient copies of the exhibit for distribution to all parties at the hearing.

RECEIVED
JAN 20 1982



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

October 29, 1991

SSI Food Services, Inc.
c/o Richard B. Eismann
3016 Caldwell Blvd.
Nampa, ID 83651-6416

RE: ORDER GRANTING INTERVENTION - APPLICATION FOR PERMIT NO. 63-11551 AND APPLICATION FOR AMENDMENT OF PERMIT NO. 63-11474 BOTH IN THE NAME OF RIM RANCHES, INC.

Dear Mr. Eismann:

Enclosed is an order granting leave to intervene in the above referenced matter. The department will advise you of any conferences and/or hearings scheduled in connection with this matter and will allow you to participate as a full party in any conference or hearing which the department schedules.

Sincerely,

A handwritten signature in cursive script that reads "Karen Gustafson".

KAREN GUSTAFSON
Sec/Records Mgr.

c: Rim Ranches, Inc.
Don and Shirley Mills
Tim Hetrick
Irwin and Betty Hetrick
Rolly and Margaret Lincoln
IDWR - W. Region

RECEIVED

MAY 20 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PETITION TO)
INTERVENE IN PROTESTED APPLICATION)
FOR PERMIT NO. 63-11551 AND)
APPLICATION FOR AMENDMENT OF)
PERMIT NO. 63-11474 BOTH IN THE)
NAME OF RIM RANCHES, INC.)

ORDER GRANTING
PETITION TO
INTERVENE

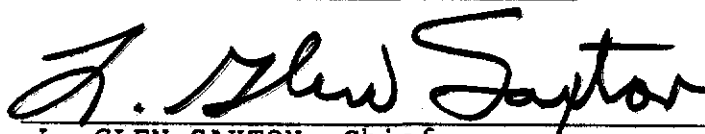
On September 12, 1991, SSI Food Services, Inc. (petitioner) submitted to the Department of Water Resources (department) a petition for Leave to Intervene in any hearing scheduled by the department in connection with protested Application for Permit No. 63-11551 and protested Application for Amendment of Permit No. 63-11474.

Petitioner owns real property in Canyon County, and owns Permit No. 63-10611 for the diversion of ground water in the vicinity of the permit and application owned by Rim Ranches, Inc. Petitioner has shown sufficient interest in the above referenced matter for the department to grant the petitioner leave to intervene into the matter.

ORDER

IT IS THEREFORE HEREBY ORDERED that the petition of SSI Food Services, Inc. requesting Leave to Intervene in any conference and/or hearing scheduled by the department in connection with protested Application for Permit No. 63-11551 and Application to Amend Permit No. 63-11474 is GRANTED.

Dated this 29th day of October, 1991.


L. GLEN SAXTON, Chief
Water Allocation Bureau

RECORDED

MAY 20 1992

William F. Schroeder P.C.
Lawyers
A Street East at Glenn

RECEIVED
SEP 23 1991

Department of Water Resources
Western Regional Office

W. F. Schroeder
Of Counsel:
Larry A. Sullivan
David D. Powell

P.O. Box 220
Vale, Oregon 97918
Telephone (503)473-3141
Telecopy (503)473-2651

September 23, 1991

Department of Water Resources
2735 Airport Way
Boise, Id. 83705

Attention: David R. Tuthill, Jr., Manager.

Dear Mr. Tuthill:

We enclose the applicant's objections pursuant to your letter of September 16.

We have tried to analyze the filings in regard to the Application No. 63-11551 which was filed on June 4, 1991 (with a protest closure date of July 22, 1991) and the Amendment to Permit No. 63-11474 which was filed on July 15, 1991 (with a protest closure date of August 26, 1991)

On July 8 the protest of Irvin and Betty Hetrick was written and on July 13 the protest of Don and Shirley Mills was written. Because both preceded the Amendment to Permit 63-11474, the protests pertain only to Application No. 63-11551. On July 23 you gave notice of conference upon these protests and identified them as protests to Application No. 63-11551. These are not protests to Amendment to Permit No. 63-11474 and they are not properly recognized in that proceeding.

Neither are Kay and Marie Yasuda, Jim and Eva Dowling, and E.A. Brewer and Larry Calson, properly recognized in the proceeding pertaining to Application No. 63-1151 or Amendment to Permit No. 63-11474. Their protests were received following the closure dates in both proceedings and their time has expired for an application to intervene.

Assuming that the letter of one Richard B. Eismann is sufficient to be a protest of SSI Food Services, Inc. and assuming that its content satisfies the requirements for a protest, it applies only to the proceedings in the Amendment to Permit 63-11474 and, as you correctly decided by your letter of August 27, it was past the closure time in the proceeding in Application No. 63-1151.

RECEIVED
MAY 20 1992

RECEIVED

SEP 23 1991

Water Resources Department
Page 2
September 23, 1991

Department of Water Resources
Western Regional Office

The applicant challenges the letter of Mr. Eismann as constituting a protest of SSI Food Services, Inc. because the letter was not executed by an officer of the corporation nor does it contain any authority of the corporation to Mr. Eismann to make such a protest.

As we understand the records at this point in the two proceedings, there are pending the protests of Irvin Hetrick, et ux and Don Mills, et ux. to the Application No. 63-1151 and neither has any standing in the other proceeding. And there is no protest to the Amendment to Permit 63-11474 except to the extent that the letter of Mr. Eismann will be so recognized.

Very truly yours,

Rim Ranches, Inc.

By Ray Obendorf
Ray Obendorf, President.

SEP 23 1992

RECEIVED
SEP 23 1991

Department of Water Resources
Western Regional Office

John T. Schroeder, Esq.
P.O. Box 267
Boise, Id. 83701

William F. Schroeder, Esq.
P.O. Box 220
Vale, Or. 97918

Lawyers for Applicant

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

In the Matter of Application
of Rim Ranches, Inc.,
No. 63-11551.

Objection to Granting to
the Petition of SSI Food Services, Inc.
for Leave to Intervene.

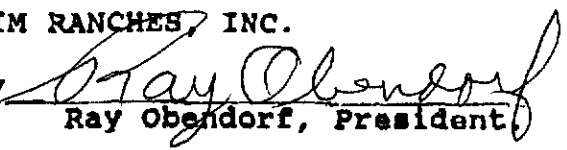
The applicant, by his lawyers identified above, object to
the Department granting the petition of SSI Food Services, Inc. for
leave to intervene, for the following reasons:

(1) The petition requests affirmative relief that the
application not be granted, but it fails to contain a statement of
the nature and quantity of evidence it will present if such
petition is granted.

(2) The petition is not timely in that it was not filed
within five days after petitioner received notice of the
proceeding.

September 2_, 1991.

RIM RANCHES, INC.

By 
Ray Obendorf, President

720



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

August 27, 1991

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

SSI Food Services, Inc.
c/o Richard B. Eismann
3016 Caldwell Blvd.
Nampa, ID 83651-6416

Re: Application for Amendment of Permit No. 63-11474 and
Application for Permit #63-11551 in the Name of Rim
Ranches, Inc.

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of an amendment of the above-referenced permit. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the amendment and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an amendment to an application for permit (Section 42-1203, 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 amendment 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?

This office also acknowledges receipt of your protest to the issuance of application for permit #63-11551. Please be advised, however, that the final protest date was July 22, 1991, and that the letter was not received by this office until August 26, 1991. Pursuant to the Idaho Code, we cannot officially accept this protest as valid.

RECEIVED

MAY 20 1992

You may be aware that other protests were received by this office in a timely manner. Therefore, application #63-11551 is also officially protested.

Pursuant to Rule 6 of the Rules and Regulations, Practice and Procedure for this Department dated October 19, 1983, you may request to become a full party to this action by requesting leave for intervention. Enclosed we are providing a copy of the rules and regulations.

If this office can be of further assistance, please contact us.

Sincerely,



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

DRT/st

CC: Rim Ranches, Inc.

MAY 20 1992

August 28, 1991

Kay & Marie Yasuda
25724 Fern Lane
Wilder, ID 83676

Jim & Eva Dowling
Fern Lane
Wilder, ID 83676

E.A. Brewer & Larry Carlson
Fern Lane
Wilder, ID 83676

Re: Application for Permit #63-11551 and Application for
Amendment of a Permit #63-11474 in the name of Rim
Ranches, Inc.

Dear Protestants:

We are in receipt of your letter dated August 24, 1991, in which you expressed concerns about the approval of the above-referenced application for permit and application for amendment of a permit. Please be advised, however, that the letter was not received by the state office until August 27, 1991. Pursuant to Idaho Code, we cannot officially accept the protest as valid at this time because the final date for protest was August 26.

You may be aware that other protests were received by this office in a timely manner. Therefore, both applications are currently officially protested.

Pursuant to Rule 6 of the Rules and Regulations, Practice and Procedure for this Department dated October 19, 1983, you may request to become a full party to this action by requesting leave for intervention. Enclosed we are providing a copy of the rules and regulations.

MAY 29 1992

RECEIVED

AUG 27 1991

Department of Water Resources
Western Regional Office

Aug 24, 1991

David R. Tuttle, Jr. P.E.
Manager Western Regional Office
Airport Way,
Boise, Idaho 83705

Dear Sir:

This is to inform you that we are
protecting the Application Number 63-11474
and to Amend Number 63-11551.

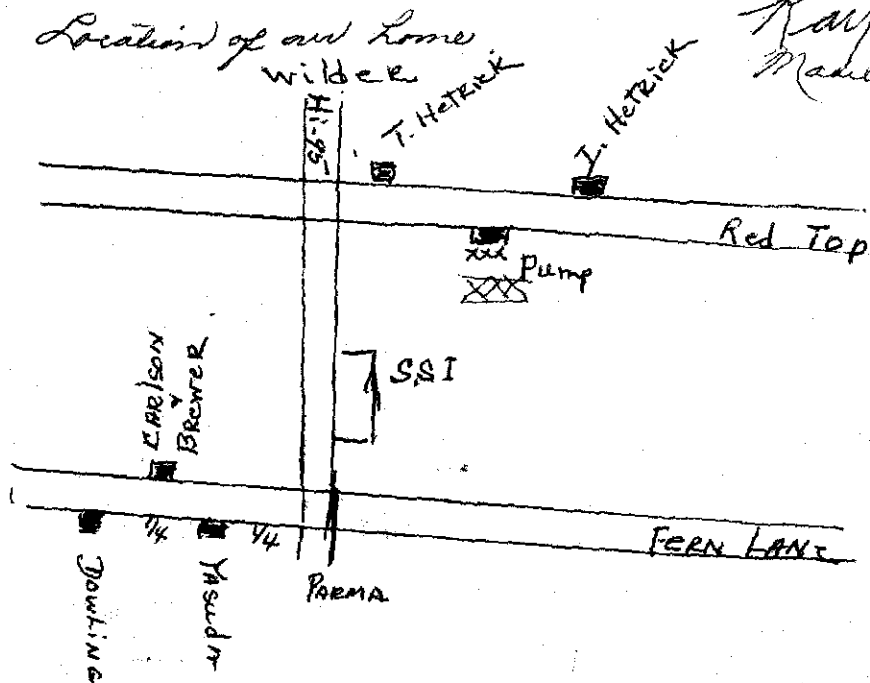
We moved to our present home in 1952.
Our well is 258 ft. deep and our intake
is 85 ft. In July we had to lower
the intake valve to another 20 ft.

We are concerned about the increase
in pumping water will lower our water
table and cause more problems.

Please keep us informed as what is
being done.

Sincerely,

Kay Jacuba
Mahe Jacuba



MAILED

NOV 20 1992

(over)

Our neighbor, Jim and Eva Dowling, live 4 miles East of our place and have requested that their signature be placed on the protest. They are gone at this time.

Hoping they returned to be able sign a protest too.

Jim + Eva Dowling

We live east about 18 miles of Yaounde and we are protesting the application #63-11474 and to amend number #63-11551.

We, too had to drop our intake pipe to another 20 ft in July.

E. G. Brewster
Larry Carlson Q.B.

MAY 20 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 2, 1991

DISTRIBUTION: See List Below

RE: Water Diversion by Rim Ranches, Inc.

Dear Interested Party:

Today the Department held a water right conference relative to protested Application for Permit No. 63-11551. This conference was attended by the applicant, represented by Mr. Ray Obendorf, and by protestants Mr. Irwin Hetrick, Mrs. Betty Hetrick and Mr. Tim Hetrick. In addition, a letter was submitted by Mr. and Mrs. Don and Shirley Mills.

At the conference a determination was made that a well pumping test would be appropriate for the purpose of gathering data to be used in computations of aquifer characteristics such as transmissivity and storativity. These characteristics can be used to make predictions about aquifer behavior such as the amount of interference between wells, long-term impacts of pumping, etc.

Accordingly, the protestants in attendance allowed their two domestic wells, both of which are located within 1/4 mile of the irrigation well, to be fitted by the applicant with air line and pressure gauges to determine depth to water. These gauges, in addition to the one already on the irrigation well, will be monitored by the protestants, the applicant and the department on a periodic basis to document the impact on the neighboring wells of pumping the irrigation well. The Department intends to analyze the collected data, and will prepare a brief report regarding aquifer characteristics. This report is anticipated to be made available as input for another conference to be held later this year regarding the protests to both the above-identified protested application and the other water right which proposes to use water from the well, Permit No. 63-11474 for which an amendment has been requested.

Water diverted during this well pumping test is hereby allowed to be beneficially used at the locations identified in the amended version of Permit No. 63-11474 for a maximum of 30 days after pumping begins. However, nothing in this letter shall be construed to imply approval of either Application for Permit No. 63-11551 or the amendment of permit No. 63-11474.

MAY 20 1992

Page 2
Water Diversion by Rim Ranches, Inc.

All of the undersigned will be invited to the next conference. In the meantime, the Department welcomes input regarding the conduct of this well pumping test.

Sincerely,

David R. Tuthill Jr.

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

Rim Ranches, Inc., c/o Ray Obendorf
Irwin and Betty Hetrick
Tim Hetrick
Don and Shirley Mills
Rolly L. and Margaret Lincoln (Interested Parties)

*Tuthill - not assigned to this case
the case is assigned to me
case was assigned to me
part of the case*

SSI - 459-0734
459-9908
482-7744

REPRODUCED

MAY 20 1992

AUG 26 1991

Telephone (208) 467-3100
Facsimile (208) 466-4498

EISMANN LAW OFFICES

3016 CALDWELL BLVD.
NAMPA, IDAHO 83651 - 6416

Department of Water Resources RICHARD B. EISMANN
Western Regional Office DEBRA L. EISMANN

August 26, 1991

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

Re: Protest Relating to Permit No. 63-11474, etc.

Gentlemen:

I represent SSI Food Services, Inc. My client owns that real property situated in Canyon County, Idaho and holds State of Idaho water Permit No. 63-10611

This letter is to protest the issuance and the amendment of Permit No. 63-11474 and the issuance of Permit No. 63-11551. This protest is made on each and all the grounds following:

1. The proposed use will reduce the quantity of water available for existing water rights including the water rights of SSI Food Services, Inc.
2. The proposed water supply is insufficient for the existing water rights and the purposes intended by Rim Ranches, Inc.
3. The proposed use under the subject permit will conflict with the local public interest.
4. The proposed use will be contrary to conservation of water resources within the state of Idaho.

Very truly yours,


Richard B. Eismann
RBE:lh/l for js/4

CLT: Client

RECEIVED

MAY 20 1992

NOTICE OF AMENDED APPLICATION FOR PERMIT

NO. 63-11474

Notice is hereby given that permit No. 63-11474 in the name of Rim Ranches was filed on 2/08/1991 for the diversion of 3.20 cfs from groundwater with a point of diversion within the T4N R5W Sec. 10 SENE to be used for irrigation purposes from 3/15 to 11/15 within portions of T4N R5W Sec. 10, SWNE, SENE and Sec. 11 SWNW, SENW.

The permit holder now proposes to amend the permit by changing the point of diversion to T4N R5W Sec. 10 SESE and place of use to T4N R5W Sec. 10 NESE, NWSE, SESE and Sec. 11 SWSW, SESW.

Any protest against the approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before August 26, 1991.

R. Keith Higginson
Director

Published in the Press-Tribune on 8/7 and 8/14/1991.

RECEIVED

MAY 20 1992

State of Idaho
Department of Water Resources
AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: lw

Right Number 63-11474 Applicant RIM RANCHES INC.

Purpose of Amendment: ☒ Change point of diversion. ☐ Add diversion point(s).

☐ Increase amount. ☒ Change place of use. ☐ Other _____

CHECK:

- ☒ Description of amended point(s) of diversion.
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Description of amended places of use. If expanded, delay date of priority.
- ☒ Ownership of point of diversion and place of use.
- ☒ Map.
- ☒ Signature (must be permit holder).
- ☒ Fee.
- ☒ Existing water rights from the same source, amended place of use.
- ☐ Right number(s) 63-11551 (protested appl.) 63-10727
11254
- ☒ Yes ☐ No Should amendment be advertised?
- ☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received.
- ☐ Amendment published correctly.
- ☒ Protests processed. See 63-11551 Appl. for Permit file for protest
Letter SL 7/25/91
- ☐ Approve.
- ☐ Deny.

Conditions _____

By _____ Date _____

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete. By _____ Date _____
- ☐ Approved copy sent to applicant and to Region. By _____ Date _____

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

July 11, 1991

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Mr. Ray Obendorf
Rim Ranches, Inc.
24034 Batt Corner Road
Parma, ID. 83660

*See additional documentation
ID 63-11551*

RE: Permit No. 63-11474 and Application for Permit No. 63-11551

Dear Mr. Obendorf:

This letter confirms our conversation that took place earlier today at your home regarding the new well in SESE S.10. Please ignore my letter to you dated 7/9/91 because our meeting covered the information requested in that letter.

Permits 63-11223 and 63-11306 were mentioned during our conversation. These are approved rights unrelated to the new well. 63-11223 concerns a well in T5N R5W S.33, and 63-11306 includes surface water in T5N R5W S.35 and 36.

The well in SESE S.10 must not be used until an approved water right is issued for the well. As we discussed, permit 63-11474 does not include the new well, and application 63-11551, which does include the well, is not an approved right yet. No other rights listing a well in SESE S.10 can be found in our records. Therefore, any use of the well prior to approval of a water right will be treated as an illegal diversion under Idaho Code 42-351.

It appears that permit 63-11474 should be amended to show the new well as the point of diversion and perhaps to change the place of use to the appropriate acres. The permit was approved for a proposed diversion in SENE S.10 to irrigate 160 acres in SWNE, SENE S.10 and SWNW, SENW S.11. This information is diagramed on the map attached to the application for amendment of permit 63-11474. The amendment should show a point of diversion change to SESE S.10 and a place of use change, if applicable, to the correct acres. Mark the correct acres on the map and either list the acres in item 3 of the application or let me list them based on your response. Also, complete item 4 of the application and return it with the \$20 amendment fee. This office will advertise and process the amendment and thereby correct permit 63-11474.

A second map is attached. It outlines the proposed diversion and acres for application 63-11551. Are the 140 acres in S.11 bordered by Hwy. 95, Red Top Road, Huff Road, and Penny Road the correct acres to be irrigated in 63-11551? If not, show the correct acres on the map and return it with a \$20 amendment fee to modify application 63-11551.

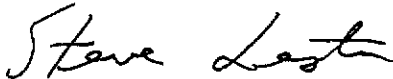
MICROFILMED

MAY 20 1992

Rim Ranches, Inc.
63-11474 & 63-11551
7/11/91, Page 2

By amending permit 63-11474 and possibly application 63-11551, the proposed but not yet approved water rights associated with the new well will be correctly recorded and will help clarify the situation. Please respond to this letter by 7/22/91 to avoid additional delays in the water right process. Let me know if additional information is needed.

Sincerely,



Steve Lester
Sr. Water Resource Agent

Enclosures

MICROFILMED

MAY 20 1992

RECEIVED

JUL 10 1991

Department of Water Resources
Western Regional Office

Wilder Idaho
July 8. 1991

Water Resource Board

In May 1991 an irrigation well was drilled on the Ray Obendorf farm next to our farm. (There are within a 2 mile radius eight irrigation wells.

Our great concern was - we'll run out of water in our domestic well -

On July 4th the new well was put into operation - July 5th Our well started sputtering and July 6th - No Water. We had the pump repair man from Homedale come on the 8th. (He was too busy to come on Saturday)

In Summer 1988 a new pump was put in ^{our well} and there was water at 75 ft. When he measured on Monday the 8th - it was at 100 ft. and today when they came to scale ~~and~~ ^{measured} it measured 110 ft.

I'm writing in protest for the well that is on Red Top Rd - 1/4 miles North Wilder - on Highway 19 - We would appreciate your concerns and what rights are there.

Irvin & Betty Heltrick
26373 Red Top Rd
Wilder Id 83676

T4N R5W
S10 SESE
PER 7/10/91
SITE VISIT

MAY 20 1992

FROM Cindy Hodges

DATE 6-20-91

TO File 63-11474, Rim Ranches.

SUBJECT Incorrect P/D.

The P/D designation is incorrect on this permit. It will have to be amended & corrected during licensing. Correct location should be SESE Sec10. P/D is shared with a new application filed by permit holder.

MICROFILMED

MAY 20 1992

GH
SIGNATURE



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

May 14, 1991

RIM RANCHES INC.
24034 BATT CORNER RD.
PARMA, ID 83660

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-11474

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well

201 04 1991

so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

107 04 1981

Application #: 63-11474
Date: 5-7-91

✓ Existing:

Yes

Proof submitted - N/A

LT. 0.7 cfs - N/A

✓ Not included - (046-P23) (All GW, even existing wells)

005-01J-P08 (GT.7)

✓Swan Falls Flag - — (1, Blank or Other)

Non Trust - 048-049 or Irr & Dom)

(Surface Water) Water District Control Condition &....

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)

Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)

Domestic - 021 (restricted areas)

Agreement - 020

Overlapping uses - 029-P20

✓ Beneficial Use Due Date: - 05-03-1993

Other Conditions Recommended

Form No. 202a.
10/90

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: GH DATE: 2-26-91 APPLICATION: 63-11474

REQUIRED INFORMATION

**Officers names on original ap*

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 Supplementary 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: _____

RECEIVED
APR 25 1991

Department of Water Resources

PROCESSING

APPLICATION NO. 63-11474

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

☐

☒

Protest dates, resolution of protest recorded on application:

☐

☒

Recommendations attached: *Approve, DW*

☐

☒

Measuring device required:

☐

☒

Measuring port required: *Flow Memo*

☐

☒

Water delivered by water master? District #

☒

☐

Special conditions of approval or cover letter:

26A (Allow 2 yrs), 46

☒

☐

See below for additional information

Recommended Date or Priority

2/8/1991

Recommended by:

DW

Date

4/18/91

STATE OFFICE REVIEW

☐

See below for additional information. By

Date

ADDITIONAL INFORMATION

RIM RANCHES INC.
24034 BATT CORNER RD.
PARMA, ID 83660

Source: GROUNDWATER

Diversion Pt: SENE Sec 10 T 04N R 05W

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Use: IRRIGATION          ( 3.200 CFS)
      Total Diversion: ( 3.200 CFS)

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Date Filed: 2/ 8/ 1991

In:	T04N R05W S10	SWNE	SENE
	S11	SWNW	SENW

160.0 ACRES TOTAL

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JUN 04 1991