

ATTACHMENT "A"
Land to be irrigated under this permit.
Section 14, T4N, R1W

MICROFILMED
JUL 26 1990



WEST

79.60

79.72

N. 89° 50' W.

Sec. 15

24.10 25.54

9.33

3

7

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42.20 39.84

9.30

EST

79.72

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JUL 26 1990

Sec. 22

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NORTH

NORTH

EAGLE ISLAND

Sec. 14

34.70

Sec. 13

EAST 79.90

31.93 35.85 24.2

29.23

38.35

35.55 40.2

Sec. 23

39.46 39.2

2

EAST 80.20

31.74

36.83

48.80 45.7

5

6

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12

46.95

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83.24

42.80

18.80

42.4

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12.95

EAST 79.70

2

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Sec. 24

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The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

\$36.48

Account Number 047628		Identification NOTICE OF CORRECTION OF APPLICATION FOR AMENDMENT OF A PERMIT / No. 63-11273/Ron Sali	
Ordered By Gail Garrett	P.O. Number	Rate NT	Run Dates October 1, 8, 1992
State of Idaho Department of Water Resources Western Region 2735 Airport Way Boise, Idaho 83705		Estimated Inches 1	Real Inches 324 3/4
		# Affidavits	Legal Number

KAREN MAKER

LEGAL NOTICE NOTICE OF CORRECTION OF APPLICATION FOR AMENDMENT OF A PERMIT

Notice is hereby given that on September 3 and 10, 1992, Application for Amendment of Permit No. 63-11273 in the name of Ron Sali was advertised in error.

The Point of Diversion was advertised as T04N R01W Sec. 14 Lot 12 (SESENE), Lot 10 (NENWSW), Ada County, to be used for irrigation purposes from 3/15 to 11/15 within portions of T04N R01W Sec 14 S1/2NE, N1/2SE. Whereas, the Point of Diversion should have read T04N R01W Sec 14 Lot 12 (SESENE), Lot 10 (NENWSE), Ada County, to be used for irrigation purposes from 3/15 to 11/15 within portions of T04N R01W Sec. 14 S1/2NE, N1/2SE County.

Any protest against approval of this water right application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before **October 19, 1992.**

R. KEITH HIGGINSON, Dir.
Pub. Oct. 1, 18, 1992 3243

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

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of OCTOBER 1, 1992

and ending with the issue of OCTOBER 8, 1992

Karen Marker

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 8TH day of OCTOBER in the year of 1992, before me, a Notary Public, personally appeared KAREN MARKER, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Karen Marker
Notary Public for Idaho
Residing at BOISE, ID

My commission expires: 11-27-93

OCT 15 1992

Department of Water Resources
Western Regional Office

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The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

\$35.40

Account Number 047628		Identification NOTICE OF APPLICATION FOR AMENDMENT No. 63-11273	
Ordered By Gail Garrett	P.O. Number	Rate NT	Run Dates September 3, 10, 1992
State of Idaho Department of Water Resources Western Region 2735 Airport Way Boise, Idaho 83705		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 3062

LEGAL NOTICE NOTICE OF APPLICATION FOR AMENDMENT No. 63-11273

Notice is hereby given that permit No. 63-11273 in the name of Ron Sali was filed on 2/21/1990 for the diversion of 3.48 cfs from groundwater with a point of diversion within the T04N R01W Sec. 14 Lot 12 (SE-SENE), Lot 10 (NENWSW), Ada County, to be used for irrigation purposes from 3/15 to 11/15 within portions of T04N R01W Sec. 14 S1/2NE, N1/2SE.

The permit holder now proposes to amend the permit by changing the point of diversion to T04N R01W Sec. 14 Lot 12 (SESENE) 2 points; Lot 10 (NENWSE), Ada County.

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 September 21, 1992.

R. Keith Higginson
Director
Pub. Sept. 3, 10, 1992

3062

JULIE DAY

, being duly

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

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of SEPT. 3, 1992

and ending with the issue of SEPT. 10, 1992

Julie Day

STATE OF IDAHO)

ss.

COUNTY OF ADA)

10th

SEPTEMBER

On this 10th day of SEPTEMBER 1992, before me, a Notary Public, personally appeared JULIE DAY

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

R. Keith Higginson
Notary Public for Idaho

Residing at BOISE, ID

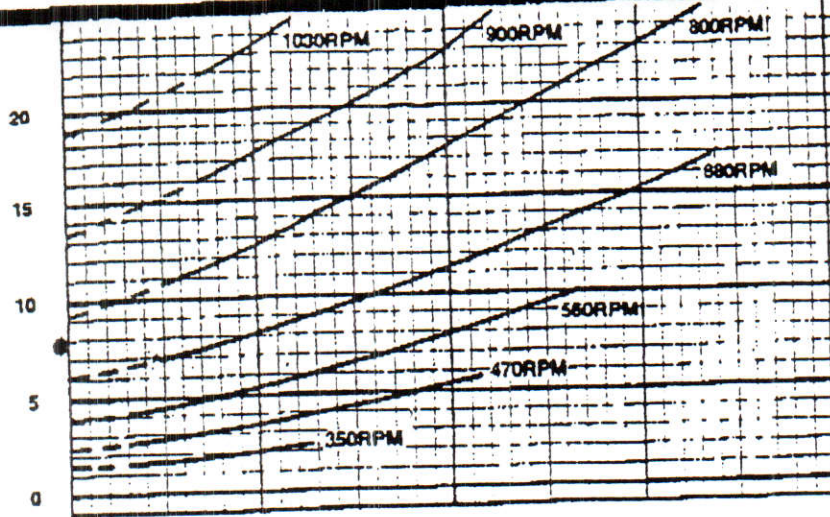
My commission expires: 11-27-93

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SEP 16 1992

Department of Water Resources
Western Regional Office

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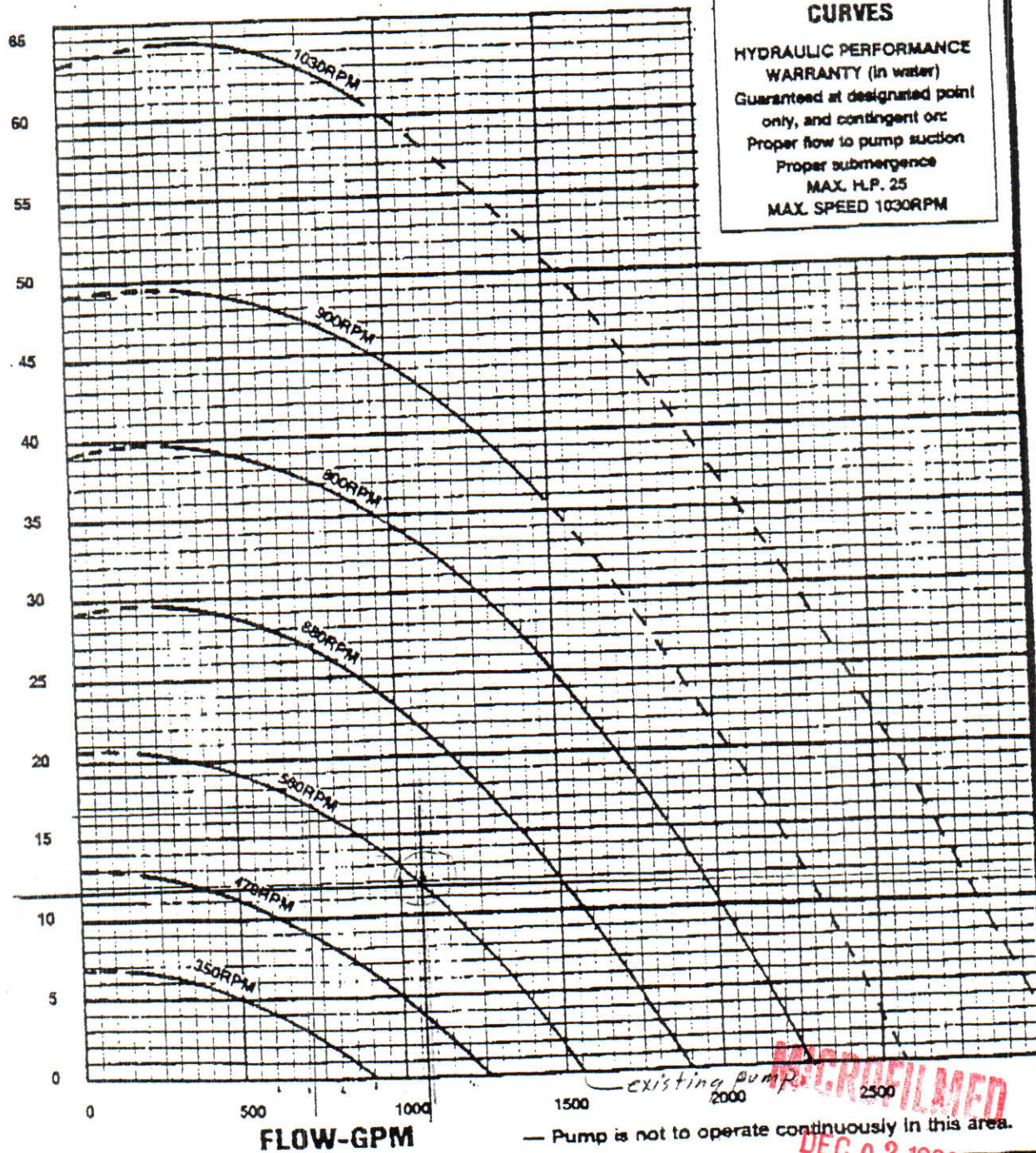
HORSEPOWER



**MODEL 15 PARMA
MULTI-SERVICE PUMP
PERFORMANCE
CURVES**

HYDRAULIC PERFORMANCE
WARRANTY (in water)
Guaranteed at designated point
only, and contingent on:
Proper flow to pump suction
Proper submergence
MAX. H.P. 25
MAX. SPEED 1030RPM

TOTAL HEAD FEET



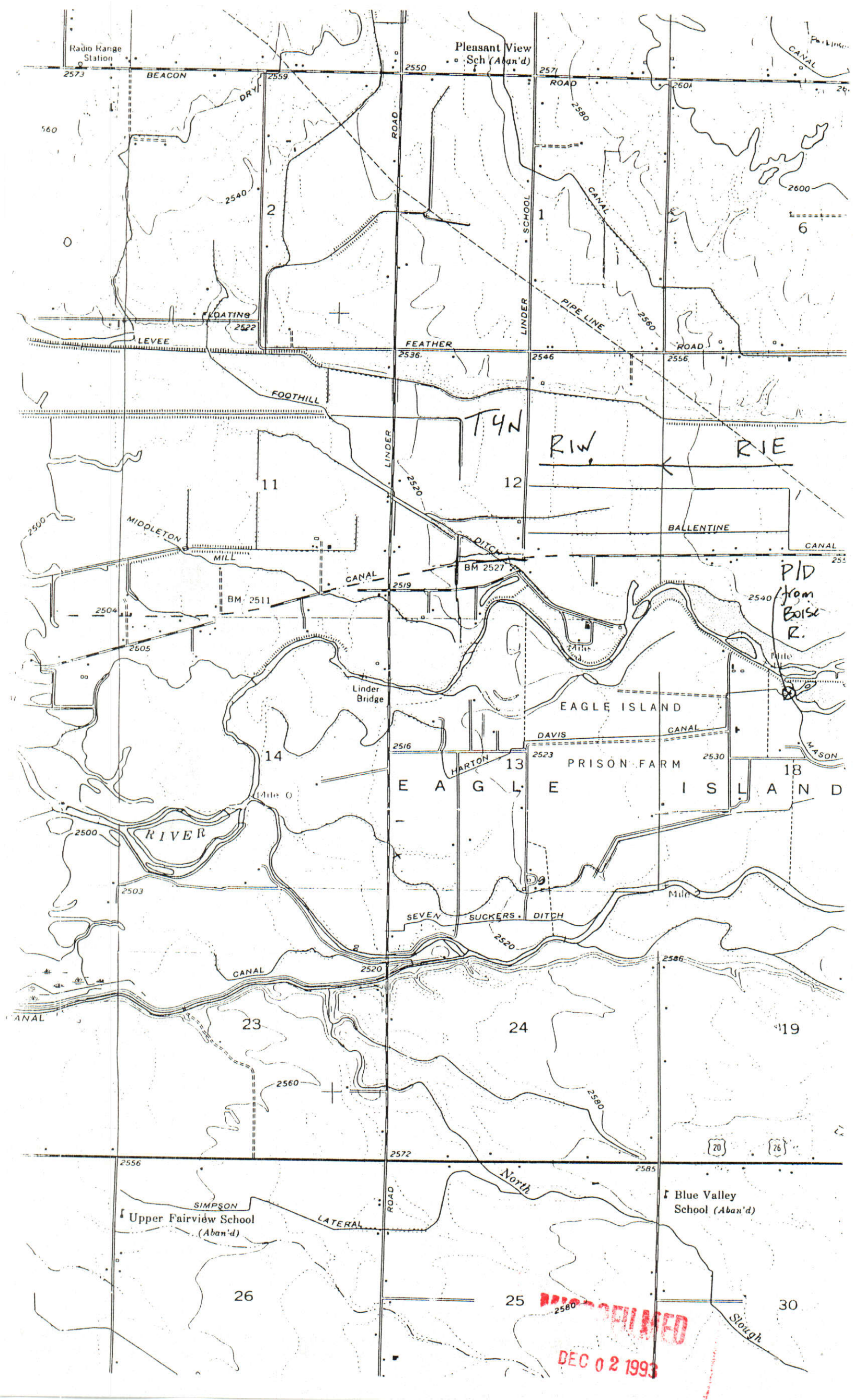
— Pump is not to operate continuously in this area.

RECORDED
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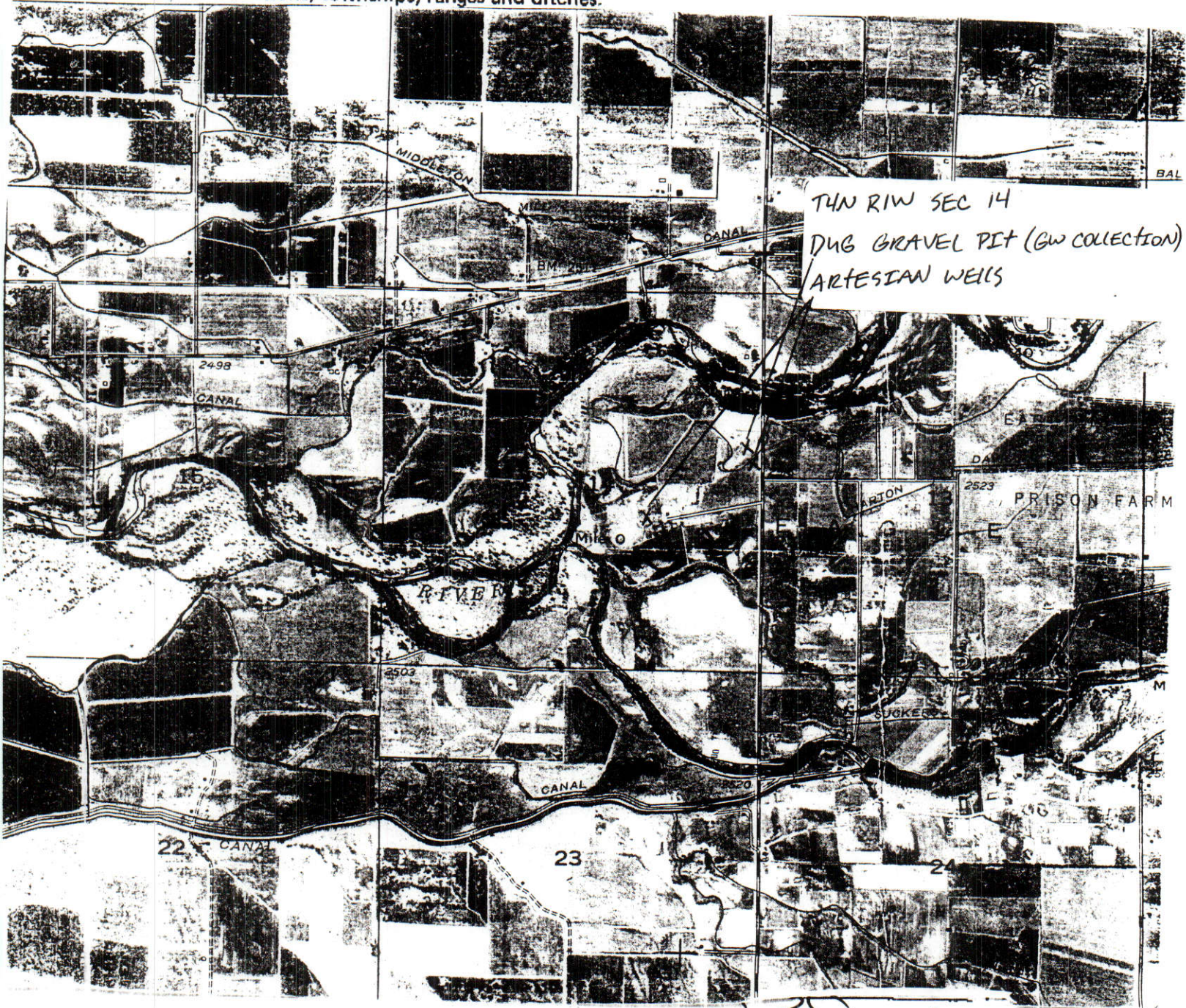
EXHIBIT Admitted
LGS
7/2/93
R-2

11-8-91



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

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



X

[Signature]

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by ly Fee = \$20.00

W015274
Received by LH Date 8/20/92

Publication prepared by SS Date 8/26/92

Published in Idaho Statesman

Publication dates 9/3 + 9/10/1992

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19 _____

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8-9

31 5'92

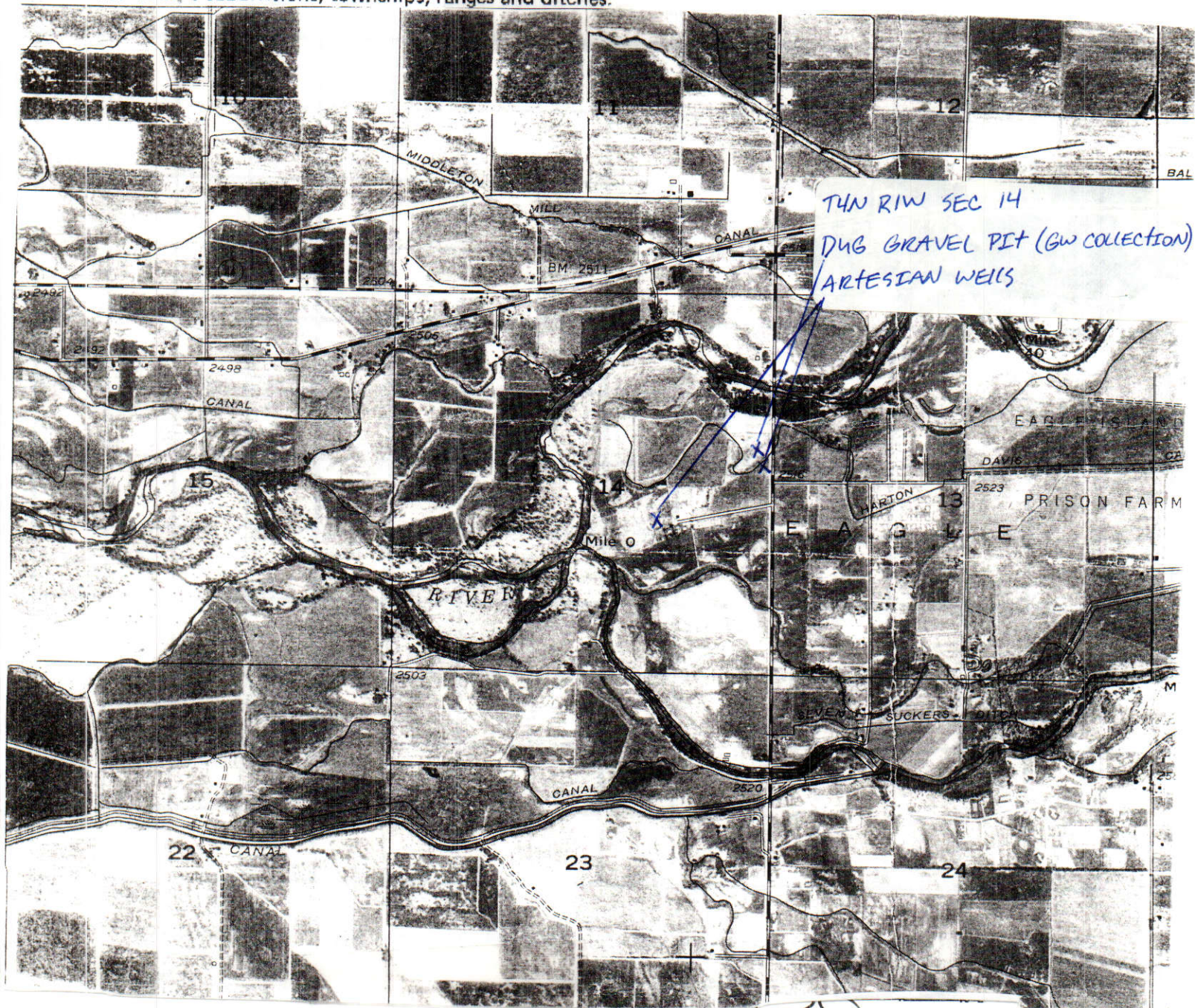






Complete the following map showing land and point of diversion as proposed by this amendment.

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



X

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by Ly Fee = \$20.00W015274
Received by LH Date 8/20/92Publication prepared by JS Date 8/26/92Published in Idaho StatesmanPublication dates 9/3 * 9/10/1992

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. KEITH HIGGINSON, of the Department of Water Resources hereby deny the above referenced application for permit.

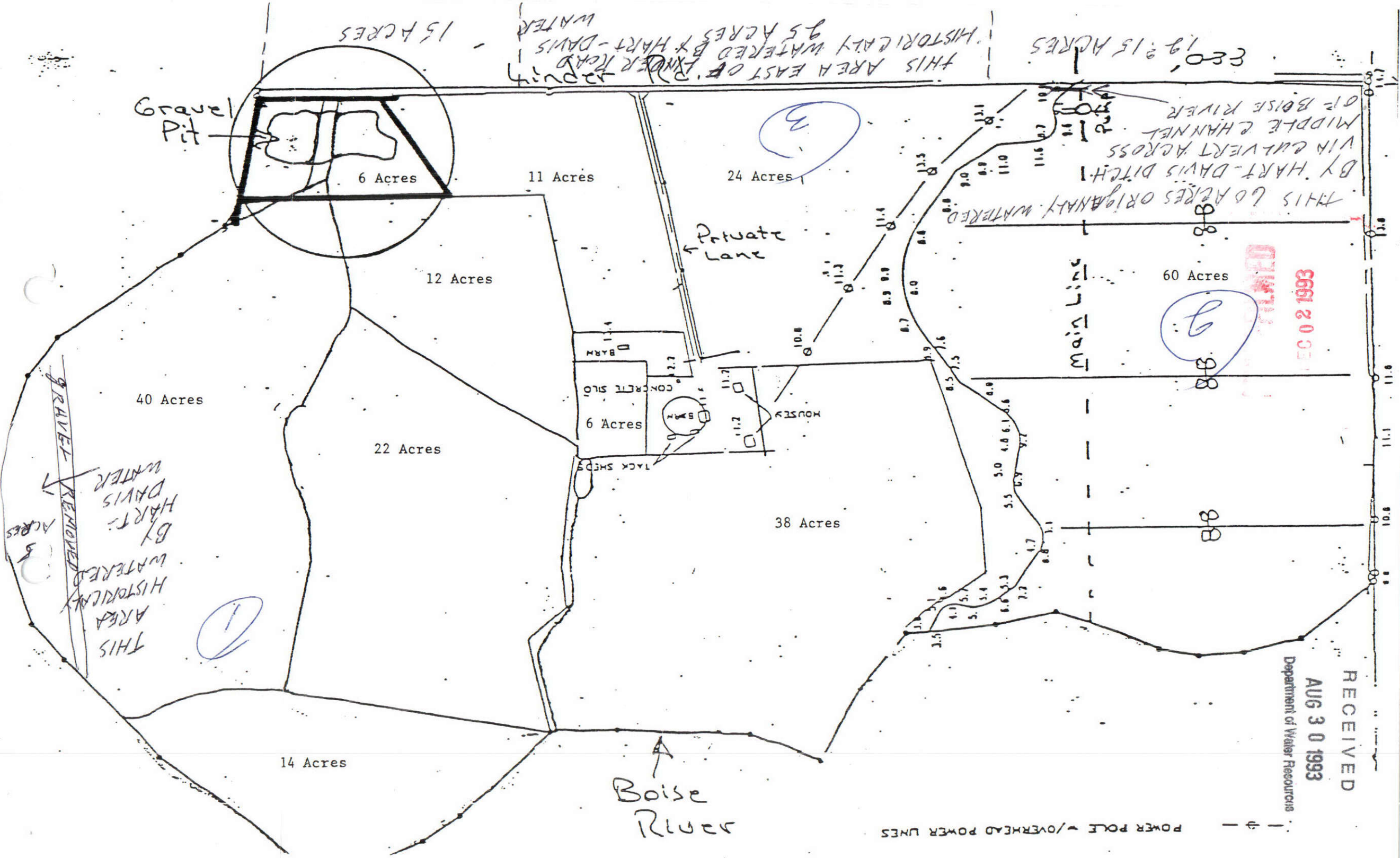
Witness my hand this 3rd day of November, 19 93.

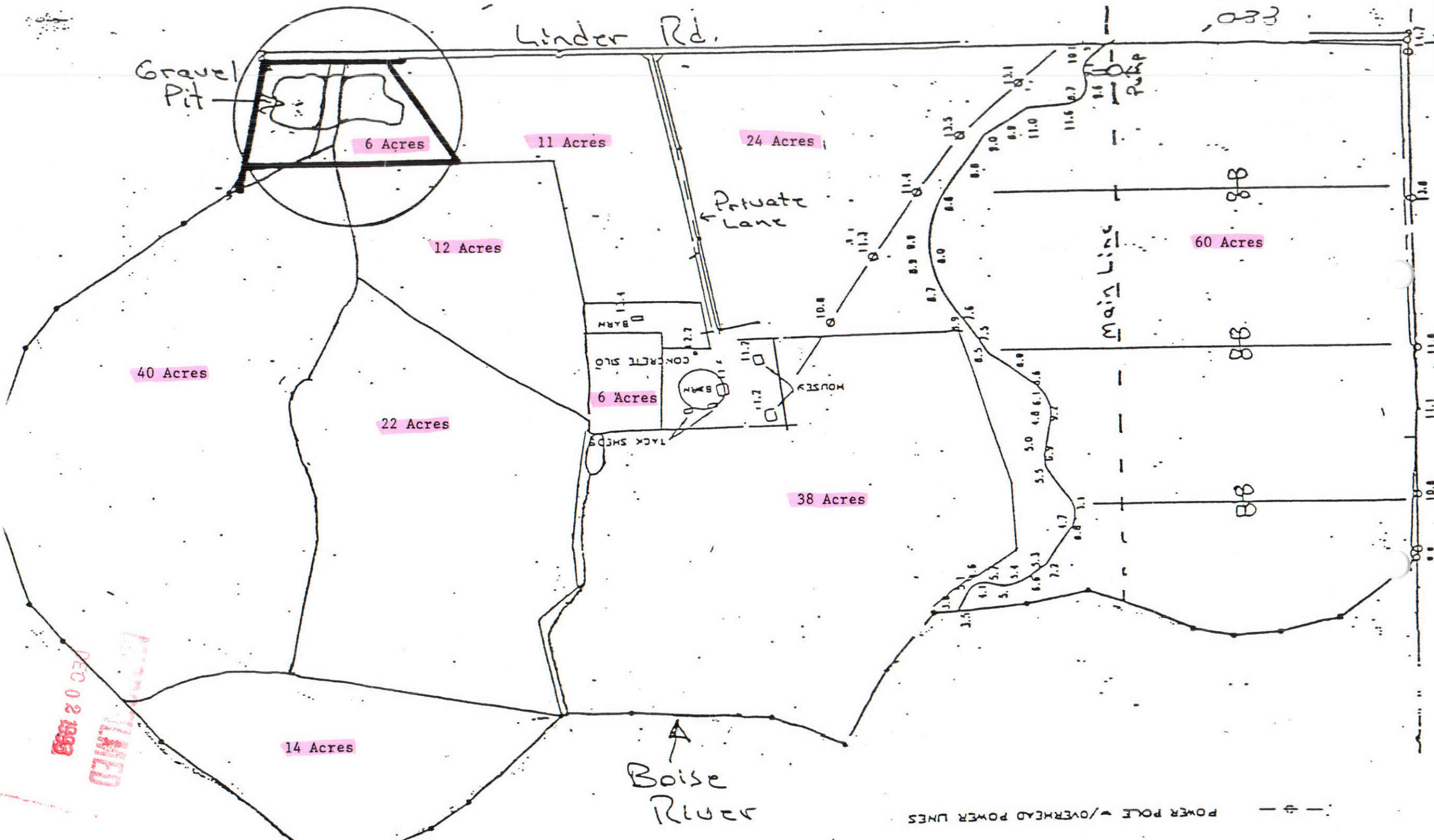
R. Keith Higgins
Director

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POWER POLE = /OVERHEAD POWER LINES





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POWER POLE - /OVERHEAD POWER LINES

Photo by D. Tutthill

4/20/1993

Pumpage from Pon Sali Gravel Pit
($\approx 3'$ drawdown in first 10 hours)



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

IN THE MATTER OF APPLICATION)
FOR AMENDMENT OF PERMIT NO.)
63-11273 AND APPLICATION FOR)
PERMIT NO. 63-11934 IN THE)
NAME OF RON SALI)

FINAL ORDER

On September 15, 1993, the Idaho Department of Water Resources (department) issued a recommended order in the above captioned matter. On October 6, 1993, the applicant filed exceptions to the recommended order. The department has reviewed the exceptions and responds to each as follows:

The department should not change Condition of Approval No. 3. as suggested by the applicant since "divert and/or impound" is not intended to mean "appropriate".

The department has added the language "during the irrigation season" to the end of Condition of Approval No. 3. as requested by the applicant.

The department has changed Condition of Approval No. 4. by adding the word "appropriate" as requested by the applicant. The department should not, however, change the condition by replacing the word "impoundment" with the word "appropriation" for the same reason described above in connection with Condition of Approval No. 3.

The department should not change Condition of Approval No. 5.a) as the applicant suggests, since the intent of parts a) and b) of the condition is to insure that the applicant does not divert more water from the pond than he has placed in the pond. This could occur since the pond naturally fills with shallow ground water and seepage even if water is not being injected into the pond.

The department should not change Conclusion of Law No. 12., since there was testimony from the applicant's expert which described the "flat" cone of depression in the area and that shallow ground water and/or Boise River water would be intercepted by the pond. With respect to prior water rights, all water rights which are earlier in time than the filing of the applicant's amendment are prior to any appropriation which would have been represented under the amendment.

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Based on the record and his understanding of the law, the Director of the department makes the following Findings of Fact, Conclusions of Law, Analysis and Final Order:

FINDINGS OF FACT

1. On July 13, 1990, the department issued permit no. 63-11273 to Ron Sali (applicant) authorizing the diversion of 3.48 cubic feet per second (cfs) of ground water from two (2) proposed wells located in lots 10 and 12, Section 14, T4N, R1W, B.M. for the irrigation of 174 acres in Section 14, T4N, R1W, B.M. A condition of approval of the permit required the submittal of proof of construction of works and application of water to beneficial use on or before August 1, 1992.

2. The applicant has constructed one (1) well in lot 12, Section 14, T4N, R1W, B.M. The well is artesian and flows about 500 gallons per minute. The applicant has not constructed a well in lot 10.

3. On June 22, 1992, the applicant submitted Proof of Beneficial Use (proof) to the department for permit no. 63-11273 showing that he has diverted and applied 1.1 cfs of water to a beneficial use from an artesian well located in lot 12, Section 14, T4N, R1 E, B.M. The license examination fee submitted with the proof was based on 1.1 cfs of water.

4. On August 20, 1992, the applicant submitted to the department an application for amendment proposing the addition of a third point of diversion for permit no. 63-11273. The proposed third point of diversion is an existing pond created by the excavation of a gravel pit (pond) located in Lot 12, Section 14, T4N, R1W, B.M.

5. On September 29, 1992, the applicant submitted application for permit no. 63-11934 to the department proposing the storage of 20 acre feet (AF) of water in the excavated gravel pit. The sources of water applied for are the Boise River and ground water.

6. The department published notice of both the application for amendment and application for permit. The applications were protested by the following parties:

Robert W. Tannehill
Bill and Mary Rode
Ronald and Elaine Rippey
Bruce Healy
Kevin and Jill Devereaux
Esther Marshall
Heather and Gary Mingus
Earnest Rogers

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Glenn O. Sawyer
Lorna Hibbard
Steven and Yvonne Campbell
Tawnja S. Elison
Robert Marshall

7. The protestants' objection was that withdrawal of ground water from the pond by the applicant would lower the water table with the result of less sub-irrigation of the land and would cause an adverse effect upon artesian wells in the area. During the hearing, the protestants stipulated that the financial ability of the applicant to complete the project was not an issue.

8. On July 8, 1993, the department conducted a hearing in the contested matter. The applicant was present and was represented by Bruce Smith. Protestants Robert W. Tannehill, Earnest Rogers, Bob Marshall, Lorna Hibbard and Bruce Healey were present and represented themselves. The other protestants did not appear at the hearing.

9. Exhibits of the applicant admitted as a part of the record include the following:

- a. Exhibit R-1 - Copy of an ortho-photo quadrangle sheet entitled Star, Idaho, 1981.
- b. Exhibit R-2 - Color aerial photograph of the land owned by the applicant.
- c. Exhibit R-3 - Copy of Application for Permit No. 63-11934.
- d. Exhibit R-4 - Copy of Permit No. 63-11273.
- e. Exhibit R-5 - Copy of Application for Amendment of Permit No. 63-11273.
- f. Exhibit R-6 - Copies of two (2) stock certificates showing shares of stock in the Hart-Davis Ditch Company.
- g. Exhibit R-7 - Copy of a letter dated September 1, 1992 from Ronald Kinsley to the applicant.
- h. Exhibits R-8 through R-12 - Color photos taken from an airplane which show the applicant's property.
- i. Exhibit S-1 - Copy of a letter dated September 3, 1992 from Karl Gebhardt to the applicant.
- j. Exhibit S-2 - Copy of the Findings of Fact and Conclusions of Law issued by the Ada County Commissioners on September 17, 1992 in connection with a gravel removal

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operation of the applicant.

10. The applicant owns 146 shares of stock in the Hart-Davis Ditch Company (company) for the irrigation of his land. The shares represent about 1/3 of all the shares in the company.

11. The applicant farms about 232 acres west of Linder Road on the west end of Eagle Island. The land is located on the lower end of the Hart-Davis ditch. About 58 acres of the 232 acres are irrigated from the "Middle Channel" using different water rights than the above captioned rights. The fluctuating flows of Boise River water delivered through the Hart-Davis ditch for the irrigation of the applicant's property has been a detriment in the past. Such fluctuating flows have caused siphon tubes to lose their prime and at other times has caused flooding of the applicant's property.

12. The applicant's purpose for filing the applications is to provide a more constant flow of water for the irrigation of his land by pumping from the pond which is supplied with water from three (3) sources: the Hart-Davis Ditch, water flowing from the artesian well in lot 12 and seepage water which naturally accumulates in the pond.

13. There will be two ponds on the applicant's property. The largest pond and the pond which the applicant proposes to use as the central storage facility is the farthest south and is ninety percent (90%) constructed. In June 1992, the applicant placed a pump powered by a 15 horsepower motor in the largest pond for the diversion of water and pumped water from the pond for the irrigation of his land.

14. The applicant has leveled much of his land, has reconstructed some of the existing ditches and has constructed some concrete ditches in order to more efficiently distribute irrigation water for his land.

15. The applicant does not intend to appropriate more water than already allowed under his existing water rights.

16. The delivery of Boise River water through the Hart-Davis ditch recharges the shallow ground water aquifer through seepage and losses from the ditch.

17. The Boise River water sought under application 63-11934 consists of existing shares of water in the company owned by the applicant and would be diverted through the Hart-Davis Ditch to the pond.

18. The existing artesian well is about 50 feet from the pond.

19. Water which naturally accumulates by seepage in the pond is hydraulically connected to the Boise River.

20. The acreage irrigated before the land leveling and ditch reconstruction activity by the applicant is approximately equal to the acreage after the land leveling and reconstruction activity.

21. The applicant's means of applying water to crops are reasonably efficient and are consistent with the conservation of water resources within Idaho.

CONCLUSIONS OF LAW

1. Sec. 42-203A(5), Idaho Code, 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 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. Section 42-211, Idaho Code, states in part as follows:

Whenever a permit has been issued pursuant to the provisions of this act, and the permit holder desires to change the place, period or nature of the intended use, or make other substantial changes in the method of diversion or proposed use or uses of water, he shall file an application for amendment upon forms to be furnished by the department of water resources together with the statutory fee for filing and recording same, and upon receipt thereof 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

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the department of water resources shall approve said application and return an approved copy to the permit holder.

3. Section 42-217, Idaho Code, states in part as follows:

On or before the date set for the beneficial use of waters appropriated under the provisions of this chapter, the permit holder shall submit a statement that he has used such water for the beneficial purpose allowed by the permit. ...

Such written proof as may be required to be submitted by such user shall be upon forms furnished by the department of water resources and shall include fees as provided in subsection K of section 42-221, Idaho Code, or a field examination report prepared by a certified water right examiner.

Upon receipt of such proof and the fee as required in Section 42-221, Idaho Code, by the department of water resources the department shall examine, or cause to be examined:

1. The place where such water is diverted and used, and, if the use is for irrigation, he shall ascertain the area and location of the land irrigated and the nature of all the improvements which have been made as a direct result of such use.

2. The capacities of the ditches or canals or other means by which such water is conducted to such place of use, and the quantity of water which has been beneficially applied for irrigation or other uses. (Emphasis added).

4. The applicant is not entitled to divert more water than the amount being diverted when the applicant filed proof of beneficial use on June 22, 1992.

5. Water which accumulates in the pond, whether it is water from the Boise River, from natural seepage to the pond or from the shallow ground water system is separated from the artesian aquifer by clay layers. Pumping from the pond will have no effect upon artesian pressures but may affect water levels in the shallow ground water aquifer and flows to the Boise River.

6. The applicant should not be allowed to pump from the pond unless water from the Hart-Davis ditch or from the artesian well is being injected into the pond. An exception would be when the applicant can show that the water to be diverted is water which has previously been impounded in the pond from the Hart-Davis ditch or from the artesian well.

7. The protestants' water rights will not be injured by approval of the application to impound water if the application is properly conditioned.

8. The water supply is sufficient for the purposes intended since the applicant is not seeking an appropriation of water over that rate or volume of water which has already been diverted.

9. The application for permit was made in good faith and not for delay or speculative purposes.

10. The application for permit does not conflict with the local public interest.

11. The application for permit is not contrary to conservation of water resources within the state of Idaho.

12. The application for amendment, if approved, would appropriate shallow ground water and Boise River water and will adversely affect prior water rights.

13. The amount of beneficial use under permit no. 63-11273 can not be increased over that which existed when the proof was filed on June 22, 1992.

14. The protests of those parties who did not appear at the hearing should be set aside and not further considered in the matter.

15. The department should approve the application for permit to authorize storage of existing water rights with certain conditions and limitations and should deny the application for amendment.

ANALYSIS

The applicant should have the opportunity to make his irrigation system more reliable, such as building a pond to reduce fluctuations in the amount of water available for use. The applicant should not, however, be allowed to appropriate additional water for his land or to continue with additional development such as increasing the rate of diversion or increasing the volume diverted under permit no. 63-11934. Continued development by the applicant after proof submittal and/or after the field examination by the department would not allow a water right to ever be quantified in terms of beneficial use by which all water rights are defined and limited.

Diversion and use by the applicant of water which naturally accumulates in the gravel pit adjacent to the Boise River will reduce the amount of water available to senior rights from the Boise River. Such a diversion would be considered a new appropriation and should not be allowed. On the other hand, the applicant should be allowed to use the pond for the impoundment of existing water rights in order to minimize fluctuations in the water available to him and to thus improve his water distribution

system.

Approval of the application for amendment would allow the applicant to divert and use Boise River water which naturally accumulates in the pond through seepage even though such use is not the intent of the applicant. Denial of the amendment does not prevent the applicant from using the pond as a point of rediversion as intended to remove the fluctuations in water delivery to his crops.

ORDER

IT IS THEREFORE, hereby ORDERED that the protests of the parties who did not appear at the hearing are **SET ASIDE** and will not be further considered by the department.

IT IS FURTHER, hereby ORDERED that Application for Amendment of Permit No. 63-11273 is **DENIED**.

IT IS FURTHER hereby ORDERED that Application for Permit No. 63-11934 is **APPROVED** subject to the following conditions:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1994.
2. Approval of the application does not authorize the appropriation of any ground water or surface water in addition to the water which the applicant already has a right to divert and use.
3. Upon a determination of need by the department, the right holder shall install measuring equipment specified by the department to assure that the applicant does not divert and/or impound more water than authorized under existing water rights during the irrigation season.
4. The water authorized for impoundment in the pond consists of the ground water from the well authorized under right no. 63-11273 and the existing shares of Boise River water owned by the applicant which is delivered through the Hart-Davis Ditch. The applicant is not authorized to otherwise appropriate or divert water from the Boise River to the pond under this approval.
5. The right holder is authorized to redivert water from the pond when:
 - a) The right holder is simultaneously injecting water from the Hart-Davis ditch and/or from the artesian well into the pond, or when

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b) The right holder can show that the water in the pond was previously injected into the pond from the Hart-Davis ditch or from the artesian well during the irrigation season.

6. The right holder shall not divert a volume of water from the pond in excess of the volume of water the right holder has injected into the pond.

7. 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 cfs of water for each acre of land.

Signed this 3rd day of NOVEMBER, 1993.


R. KEITH HIGGINSON
Director

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 3rd day of November, 1993, I mailed a true and correct copy, postage prepaid, of the foregoing Final Order to the following:

Ron Sali

1020 Main St #420
Boise, ID 83702

Robert W Tannehill

1591 Artesian Rd
Eagle, ID 83616

Bruce Healy

400 S Linder Rd
Eagle, ID 83616

Earnest Rogers

614 N 31st
Boise, ID 83702

Lorna Hibbard

2256 N Pawnee
Boise, ID 83704

Robert Marshall

4633 Hatchery Rd
Eagle, ID 83616

Bruce Smith

1221 W Idaho
Boise, ID 83702

Ronald and Elaine Rippey

1401 Trout Rd
Eagle, ID 83616

Bill & Mary Rode

1755 Artesian Rd
Eagle, ID 83616

Kevin & Jill Devereaux

1320 Linder Rd
Eagle, ID 83616

Ester Marshall

1624 Artesian Rd
Eagle, ID 83616

Glen O Sawyer

1300 Artesian Rd
Eagle, ID 83616

Heather & Gary Mingus

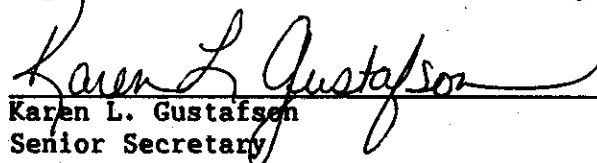
2077 Trout Rd
Eagle, ID 83616

Steve & Yvonne Campbell

1200 Artesian Rd
Eagle, ID 83616

Tawnja S Elison

1200 Artesain #41
Eagle, ID 83616


Karen L. Gustafson
Senior Secretary

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DEC 02 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR AMENDMENT OF PERMIT NO.)
63-11273 AND APPLICATION FOR)
PERMIT NO. 63-11934 IN THE)
NAME OF RON SALI)

RECOMMENDED ORDER

This matter having come before the Idaho Department of Water Resources (department) in the form of a protested application for permit and protested amendment of a permit, the department having held a conference and a hearing in the matter, the Director of the department makes the following Findings of Fact, Conclusions of Law, Analysis and Order:

FINDINGS OF FACT

1. On July 13, 1990, the department issued permit no. 63-11273 to Ron Sali (applicant) authorizing the diversion of 3.48 cubic feet per second (cfs) of ground water from two (2) proposed wells located in lots 10 and 12, Section 14, T4N, R1W, BM. for the irrigation of 174 acres in Section 14, T4N, R1W, BM. A condition of approval of the permit required the submittal of proof of construction of works and application of water to beneficial use on or before August 1, 1992.

2. The applicant has constructed one (1) well in lot 12, Section 14, T4N, R1W, BM. The well is artesian and flows about 500 gallons per minute. The applicant has not constructed a well in lot 10.

3. On June 22, 1992, the applicant submitted Proof of Beneficial Use (proof) to the department for permit no. 63-11273 showing that he has diverted and applied 1.1 cfs of water to a beneficial use from an artesian well located in lot 12, Section 14, T4N, R1 E, BM. The license examination fee submitted with the proof was based on 1.1 cfs of water.

4. On August 20, 1992, the applicant submitted to the department an application for amendment proposing the addition of a third point of diversion for permit no. 63-11273. The proposed third point of diversion is an existing pond created by the excavation of a gravel pit (pond) located in Lot 12, Section 14, T4N, R1W, BM.

5. On September 29, 1992, the applicant submitted

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application for permit no. 63-11934 to the department proposing the storage of 20 acre feet (AF) of water in the excavated gravel pit. The sources of water applied for are the Boise River and ground water.

6. The department published notice of both the application for amendment and application for permit. The applications were protested by the following parties:

Robert W. Tannehill
Bill and Mary Rode
Ronald and Elaine Rippey
Bruce Healy
Kevin and Jill Devereaux
Esther Marshall
Heather and Gary Mingus
Earnest Rogers
Glenn O. Sawyer
Lorna Hibbard
Steven and Yvonne Campbell
Tawnja S. Elison
Robert Marshall

7. The protestants' objection was that withdrawal of ground water from the pond by the applicant would lower the water table with the result of less sub-irrigation of the land and would cause an adverse effect upon artesian wells in the area. During the hearing, the protestants stipulated that the financial ability of the applicant to complete the project was not an issue.

8. On July 8, 1993, the department conducted a hearing in the contested matter. The applicant was present and was represented by Bruce Smith. Protestants Robert W. Tannehill, Earnest Rogers, Bob Marshall, Lorna Hibbard and Bruce Healey were present and represented themselves. The other protestants did not appear at the hearing.

9. Exhibits of the applicant admitted as a part of the record include the following:

- a. Exhibit R-1 - Copy of an ortho-photo quadrangle sheet entitled Star, Idaho, 1981.
- b. Exhibit R-2 - Color aerial photograph of the land owned by the applicant.
- c. Exhibit R-3 - Copy of Application for Permit No. 63-11934.
- d. Exhibit R-4 - Copy of Permit No. 63-11273.
- e. Exhibit R-5 - Copy of Application for Amendment of Permit

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No. 63-11273.

f. Exhibit R-6 - Copies of two (2) stock certificates showing shares of stock in the Hart-Davis Ditch Company.

g. Exhibit R-7 - Copy of a letter dated September 1, 1992 from Ronald Kinsley to the applicant.

h. Exhibits R-8 through R-12 - Color photos taken from an airplane which show the applicant's property.

i. Exhibit S-1 - Copy of a letter dated September 3, 1992 from Karl Gebhardt to the applicant.

j. Exhibit S-2 - Copy of the Findings of Fact and Conclusions of Law issued by the Ada County Commissioners on September 17, 1992 in connection with a gravel removal operation of the applicant.

10. The applicant owns 146 shares of stock in the Hart-Davis Ditch Company (company) for the irrigation of his land. The shares represent about 1/3 of all the shares in the company.

11. The applicant farms about 232 acres west of Linder Road on the west end of Eagle Island. The land is located on the lower end of the Hart-Davis ditch. About 58 acres of the 232 acres are irrigated from the "Middle Channel" using different water rights than the above captioned rights. The fluctuating flows of Boise River water delivered through the Hart-Davis ditch for the irrigation of the applicant's property has been a detriment in the past. Such fluctuating flows have caused siphon tubes to lose their prime and at other times has caused flooding of the applicant's property.

12. The applicant's purpose for filing the applications is to provide a more constant flow of water for the irrigation of his land by pumping from the pond which is supplied with water from three (3) sources: the Hart-Davis Ditch, water flowing from the artesian well in lot 12 and seepage water which naturally accumulates in the pond.

13. There will be two ponds on the applicant's property. The largest pond and the pond which the applicant proposes to use as the central storage facility is the farthest south and is ninety percent (90%) constructed. In June 1992, the applicant placed a pump powered by a 15 horsepower motor in the largest pond for the diversion of water and pumped water from the pond for the irrigation of his land.

14. The applicant has leveled much of his land, has reconstructed some of the existing ditches and has constructed some concrete ditches in order to more efficiently distribute irrigation

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water for his land.

15. The applicant does not intend to appropriate more water than already allowed under his existing water rights.

16. The delivery of Boise River water through the Hart-Davis ditch recharges the shallow ground water aquifer through seepage and losses from the ditch.

17. The Boise River water sought under application 63-11934 consists of existing shares of water in the company owned by the applicant and would be diverted through the Hart-Davis Ditch to the pond.

18. The existing artesian well is about 50 feet from the pond.

19. Water which naturally accumulates by seepage in the pond is hydraulically connected to the Boise River.

20. The acreage irrigated before the land leveling and ditch reconstruction activity by the applicant is approximately equal to the acreage after the land leveling and reconstruction activity.

21. The applicant's means of applying water to crops are reasonably efficient and are consistent with the conservation of water resources within Idaho.

CONCLUSIONS OF LAW

1. Sec. 42-203A(5), Idaho Code, 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 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

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permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

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

Whenever a permit has been issued pursuant to the provisions of this act, and the permit holder desires to change the place, period or nature of the intended use, or make other substantial changes in the method of diversion or proposed use or uses of water, he shall file an application for amendment upon forms to be furnished by the department of water resources together with the statutory fee for filing and recording same, and upon receipt thereof 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. Section 42-217, Idaho Code, states in part as follows:

On or before the date set for the beneficial use of waters appropriated under the provisions of this chapter, the permit holder shall submit a statement that he has used such water for the beneficial purpose allowed by the permit. ...

Such written proof as may be required to be submitted by such user shall be upon forms furnished by the department of water resources and shall include fees as provided in subsection K of section 42-221, Idaho Code, or a field examination report prepared by a certified water right examiner.

Upon receipt of such proof and the fee as required in Section 42-221, Idaho Code, by the department of water resources the department shall examine, or cause to be examined:

1. The place where such water is diverted and used, and, if the use is for irrigation, he shall ascertain the area and location of the land irrigated and the nature of all the improvements which have been made as a direct result of such use.

2. The capacities of the ditches or canals or other means by which such water is conducted to such place of use, and the quantity of water which has been beneficially applied for irrigation or other uses. (Emphasis added).

4. The applicant is not entitled to divert more water than the amount being diverted when the applicant filed proof of beneficial use on June 22, 1992.

5. Water which accumulates in the pond, whether it is water

from the Boise River, from natural seepage to the pond or from the shallow ground water system is separated from the artesian aquifer by clay layers. Pumping from the pond will have no effect upon artesian pressures but may affect water levels in the shallow ground water aquifer and flows to the Boise River.

6. The applicant should not be allowed to pump from the pond unless water from the Hart-Davis ditch or from the artesian well is being injected into the pond. An exception would be when the applicant can show that the water to be diverted is water which has previously been impounded in the pond from the Hart-Davis ditch or from the artesian well.

7. The protestants' water rights will not be injured by approval of the application to impound water if the application is properly conditioned.

8. The water supply is sufficient for the purposes intended since the applicant is not seeking an appropriation of water over that rate or volume of water which has already been diverted.

9. The application for permit was made in good faith and not for delay or speculative purposes.

10. The application for permit does not conflict with the local public interest.

11. The application for permit is not contrary to conservation of water resources within the state of Idaho.

12. The application for amendment, if approved, would appropriate shallow ground water and Boise River water and will adversely affect prior water rights.

13. The amount of beneficial use under permit no. 63-11273 can not be increased over that which existed when the proof was filed on June 22, 1992.

14. The protests of those parties who did not appear at the hearing should be set aside and not further considered in the matter.

15. The department should approve the application for permit to authorize storage of existing water rights with certain conditions and limitations and should deny the application for amendment.

ANALYSIS

The applicant should have the opportunity to make his irrigation system more reliable, such as building a pond to reduce fluctuations in the amount of water available for use. The

RECOMMENDED ORDER - Pg 6

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applicant should not, however, be allowed to appropriate additional water for his land or to continue with additional development such as increasing the rate of diversion or increasing the volume diverted under permit no. 63-11934. Continued development by the applicant after proof submittal and/or after the field examination by the department would not allow a water right to ever be quantified in terms of beneficial use by which all water rights are defined and limited.

Diversion and use by the applicant of water which naturally accumulates in the gravel pit adjacent to the Boise River will reduce the amount of water available to senior rights from the Boise River. Such a diversion would be considered a new appropriation and should not be allowed. On the other hand, the applicant should be allowed to use the pond for the impoundment of existing water rights in order to minimize fluctuations in the water available to him and to thus improve his water distribution system.

Approval of the application for amendment would allow the applicant to divert and use Boise River water which naturally accumulates in the pond through seepage even though such use is not the intent of the applicant. Denial of the amendment does not prevent the applicant from using the pond as a point of rediversion as intended to remove the fluctuations in water delivery to his crops.

ORDER

IT IS THEREFORE, hereby ORDERED that the protests of the parties who did not appear at the hearing are SET ASIDE and will not be further considered by the department.

IT IS FURTHER, hereby ORDERED that Application for Amendment of Permit No. 63-11273 is DENIED.

IT IS FURTHER hereby ORDERED that Application for Permit No. 63-11934 is APPROVED subject to the following conditions:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before the date shown in the final order.
2. Approval of the application does not authorize the appropriation of any ground water or surface water in addition to the water which the applicant already has a right to divert and use.
3. Upon a determination of need by the department, the right holder shall install measuring equipment specified by the department to assure that the applicant does not divert and/or impound more water than authorized under existing water

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rights.

4. The water authorized for impoundment in the pond consists of the ground water from the well authorized under right no. 63-11273 and the existing shares of Boise River water owned by the applicant which is delivered through the Hart-Davis Ditch. The applicant is not authorized to otherwise divert water from the Boise River to the pond under this approval.

5. The right holder is authorized to red divert water from the pond when:

a) The right holder is simultaneously injecting water from the Hart-Davis ditch and/or from the artesian well into the pond, or when

b) The right holder can show that the water in the pond was previously injected into the pond from the Hart-Davis ditch or from the artesian well during the irrigation season.

6. The right holder shall not divert a volume of water from the pond in excess of the volume of water the right holder has injected into the pond.

7. 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 cfs of water for each acre of land.

Signed this 15th day of September, 1993.


L. GLEN SAXTON
Hearing Officer

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 16th day of September, 1993, I mailed a true and correct copy, postage prepaid, of the foregoing Recommended Order to the following:

Ron Sali

1020 Main St #420
Boise, ID 83702

Robert W Tannehill

1591 Artesian Rd
Eagle, ID 83616

Bruce Healy

400 S Linder Rd
Eagle, ID 83616

Earnest Rogers

614 N 31st
Boise, ID 83702

Lorna Hibbard

2256 N Pawnee
Boise, ID 83704

Robert Marshall

4633 Hatchery Rd
Eagle, ID 83616

Bruce Smith

1221 W Idaho
Boise, ID 83702

Ronald and Elaine Rippey

1401 Trout Rd
Eagle, ID 83616

Bill & Mary Rode

1755 Artesian Rd
Eagle, ID 83616

Kevin & Jill Devereaux

1320 Linder Rd
Eagle, ID 83616

Ester Marshall

1624 Artesian Rd
Eagle, ID 83616

Glen O Sawyer

1300 Artesian Rd
Eagle, ID 83616

Heather & Gary Mingus

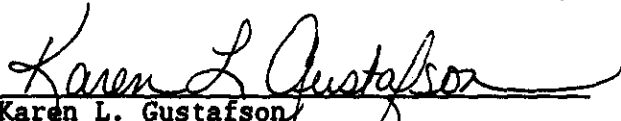
2077 Trout Rd
Eagle, ID 83616

Steve & Yvonne Campbell

1200 Artesian Rd
Eagle, ID 83616

Tawnja S Ellison

1200 Artesain #41
Eagle, ID 83616


Karen L. Gustafson
Secretary/Records Manager

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DEC 02 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-11273

Proposed Priority: February 21, 1990 Maximum Diversion Rate: 3.48 CFS
This is to certify, that **RON SALI**
1020 MAIN ST. #420
BOISE, ID 83702

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	3.48 CFS

LOCATION OF POINT(S) OF DIVERSION: LOT 10(NENWSE), Sec. 14, Township 04N, Range 01W
LOT 12(SESENE), Sec. 14, Township 04N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	01W	14	LOT 11(SWNE) 45.2	LOT 12(SENE) 47	NESE 39	174
			LOT 10(NWSE) 42.8			
Total number of acres irrigated:						174

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1992.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
5. 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 July, 1990

MICROFILMED

JUL 26 1990

R. Keith Higginson
for R. Keith Higginson, Director

Should questions arise during the processing of this application please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 63-11278

To appropriate the public waters of the State of Idaho

1. Name of applicant Ron Sall Phone 343-5042

Post office address 1020 Main Street, Suite 420, Boise, Idaho 83702

2. Source of water supply Ground water which is a tributary of N/A

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot 12

Sec. 14 Township 4N Range 1W B.M. Ada County; additional

points of diversion if any: NENWSE (Lot 10), Sec. 14, T4N, R1W

4. Water will be used for the following purposes:

Amount 3.48 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) 3.48 and/or (b) 783 N/A
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Two drilled wells, ditches and open distribution works.

b. Height of storage dam N/A 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 200 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 for beneficial use is 5 years (minimum 1 year).

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JUL 26 1990

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	1W	14			L 11 45.19	L 12 46.25									39	L 10 42.8			173.94

Total number of acres to be irrigated 173.94

10. Describe any other water rights used for the same purposes as described above. 63-00186 (part)

63-00134 (part)

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

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

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

12. Remarks: Wells will be drilled through the water table aquifer to penetrate the artesian aquifer below. Blank casing will be used to seal the well from the water table aquifer.

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

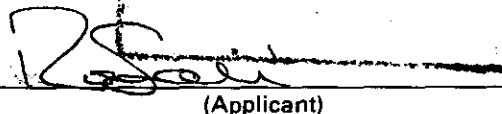
SEE ATTACHMENT "A"

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JUL 26 1990

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.



(Applicant)

Received by Yls. Date 2/21/90 Time 4:00 pm Preliminary check by GG
Fee \$ 105⁰⁰ Receipted by JH # W009285 Date 2-22-90
Publication prepared by GG Date 4-11-90 Published in ID Statesman
Publication approved st Date 5-31-90 4/19 & 4/26/90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

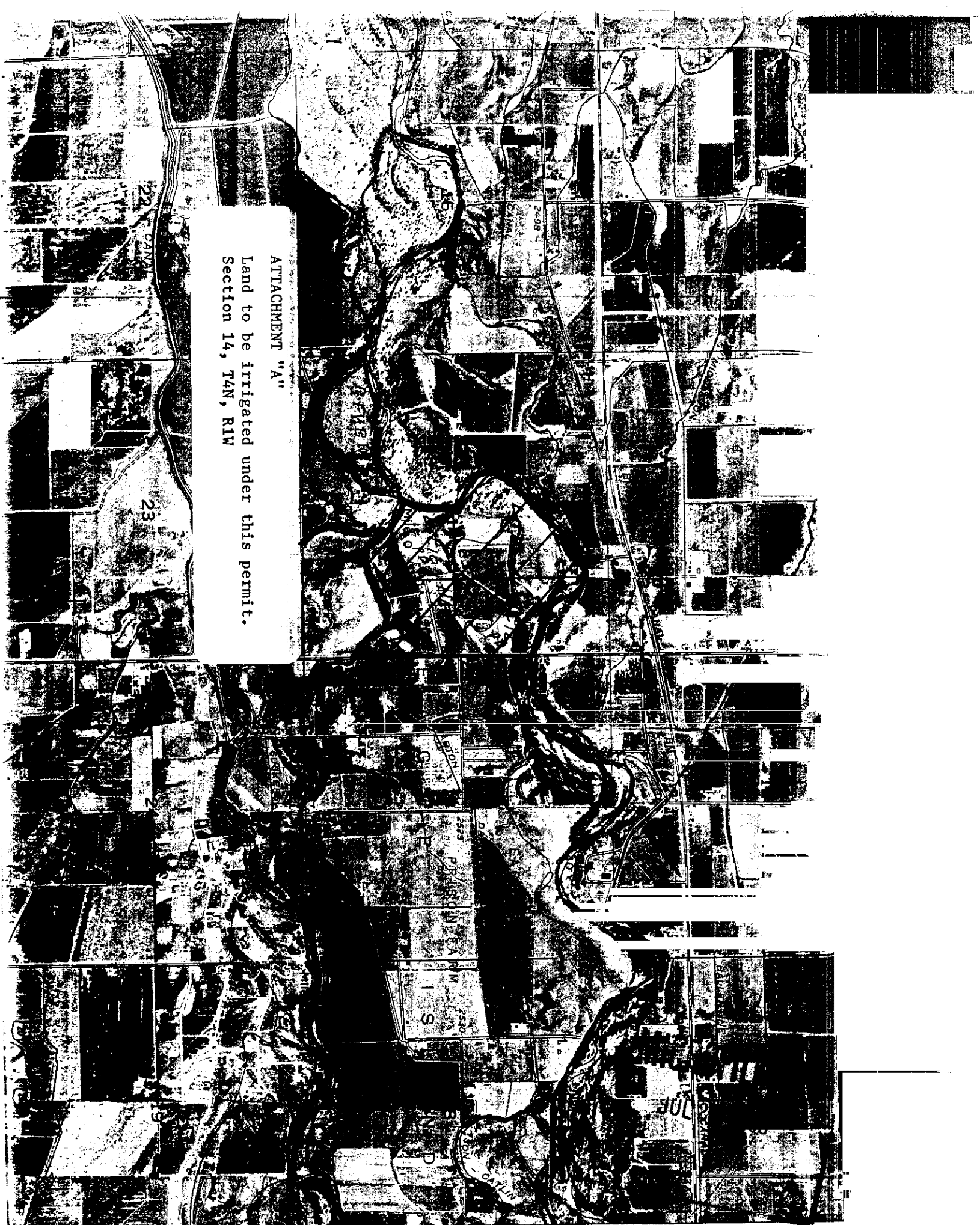
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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:

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JUL 26 1990



ATTACHMENT "A"

Land to be irrigated under this permit.
Section 14, T4N, R1W

WEST

79.60

79.72

N. 89° 50' W.

39.46 39.2

3

EAST 80.20

21.74

3

33.62

2.65

21.57

36.83

0.4

28.76

12

3

4

48.80

45.7

Sec. 15

24.10 25.54

9.33

3

42.20

39.84

83.24

10

42.80

18.80

6.24

9

27.10

12.95

8.5

EAGLE ISLAND

EAST

79.72

79.70

28.55

31.93

35.85

24.2

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The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

\$ 36.48

Account Number 047628		Identification NOTICE OF CORRECTION OF APPLICATION FOR AMENDMENT OF A PERMIT / No. 63-11273/Ron Sali	
Ordered By Gail Garrett	P.O. Number	Rate NT	Run Dates October 1, 8, 1992
State of Idaho Department of Water Resources Western Region 2735 Airport Way Boise, Idaho 83705		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 3243*

KAREN MAKRER

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

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of OCTOBER 1, 1992

and ending with the issue of OCTOBER 8, 1992

Karen Marker

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 8TH day of OCTOBER in the year of 1992, before me, a Notary Public, personally appeared KAREN MARKER, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

[Signature]
Notary Public for Idaho
Residing at BOISE, ID

My commission expires: 11-27-93

RECEIVED
OCT 15 1992

Department of Water Resources
Western Regional Office

RECORDED
DEC 02 1993

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

\$35.40

Account Number 047628		Identification NOTICE OF APPLICATION FOR AMENDMENT No. 63-11273	
Ordered By Gail Garrett	P.O. Number	Rate NT	Run Dates September 3, 10, 1992
State of Idaho Department of Water Resources Western Region 2735 Airport Way Boise, Idaho 83705		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 3062

JULIE DAY

, being duly

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

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of SEPT. 3, 19 92

and ending with the issue of SEPT. 10, 19 92

Julie Day

STATE OF IDAHO)

ss.

COUNTY OF ADA)

10th

SEPTEMBER

On this 10th day of SEPTEMBER in the year of 1992, before me, a Notary Public, personally appeared JULIE DAY, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Kathleen
Notary Public for Idaho

Residing at BOISE, ID

My commission expires: 11-27-93

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SEP 16 1992
Department of Water Resources
Western Regional Office
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APR 30 1990

Statesman

P.O. BOX 40, BOISE, IDAHO 83707

Department of Water Resources
Western Regional Office

LEGAL ADVERTISING INVOICE

Amount Due

114.24

Account Name		Account Number	
Idaho Dept. of Water Resources - Western Div.		47628	
Address		City/State	Zip
2735 Airport Way		Boise ID	83705
Ordered By	P.O. Number	Rate	Run Dates
G. Garrett		nt	April 18, 26, 1990
Identification		Estimated Inches	Real Inches
Notice of Application for Water Right			
1 Number of Affidavits Requested			Legal Number
			5331

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

63-11185
Settlers Irrigation District
P.O. Box 7571
Boise, ID 83707
Source: Groundwater
Diversion Pt: NESENE Sec 28
T 04N R 01W
Use: Irrigation (1,000 CFS)
Total Diversion: (1,000 CFS)
Date Filed: 1/26/1990
In: T04N R01W S20 SWSW
SESW SESE

In: T04N R01W S28 NENE
NWNW SWNE SENE NENW
NWNW SENW NESW SESW
NESE

352.0 Acres Total
63-11190

Mooney Land Co.
13032 Pleasant Valley Rd.
Kuna, ID 83634

Source: Groundwater
Diversion Pt: SWNWNE Sec 29 T
02N R 02E
Use: Irrigation (4,000 CFS)
Total Diversion: (4,000 CFS)
Date Filed: 2/27/1990
In: T02N R02E S19 Lot 3
(NWSW) Lot 4 (SWSW)
SESW SWSE

In: T02N R02E S29 NENE
NWNW SWNE SENE NENW
NWNW SWNW SENW
In: T02N R02E S30 NENE
NWNW SENE NENW
In: T02N R02E S30 Lot 1
(NWNW)

360.0 Acres Total
63-11256

State of Idaho
Dept. of Fish & Game
P.O. Box 25
Boise, ID 83720

Source: Wilson Drain
Springs
Tributary: Indian Creek
Wilson Drain
Diversion Pt: SESE Sec 3 T 02N
R 02W
Diversion Pt: NESENE Sec 3 T
02N R 02W

Diversion Pt: NWSENE Sec 3 T
02N R 02W
Use: Recreation (50,000 CFS)
Total Diversion: (50,000 CFS)
Date Filed: 2/20/1990
In: T02N R02W S03 NESE
SESE

63-11270

Eggers, Joann
1884 Hendricks Ct.
Meridian, ID 83642
Source: Groundwater
Diversion Pt: NESE Sec 22 T
04N R 01W
Use: Irrigation (2,000 CFS)
Total Diversion: (2,000 CFS)
Date Filed: 2/16/1990
In: T04N R01W S22 NESE
NWSE SWSE

110.0 Acres Total
63-11273

Sell, Ron
1020 Main St., Ste. 420
Boise, ID 83702
Source: Groundwater
Diversion Pt: Lot 12
(SESENE) Sec 14 T 04N R
01W

Diversion Pt: Lot 10
(NENWSE) Sec 14 T 04N R
01W
Use: Irrigation (3,480 CFS)
Total Diversion: (3,480 CFS)
Date Filed: 2/21/1990
In: T04N R01W S14 Lot 11
(SWNE) Lot 12 (SENE)
NESE Lot 10 (NWSE)

173.8 Acres Total
The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before May 7, 1990.
R. KEIGH HIGGINSON
Director
Pub. Apr. 19, 26, 1990 5331

Debbie Richards

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for 2

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of April 18, 1990

and ending with the issue of April 26, 1990

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 26th day of April in the year of 1990, before me, a Notary Public, personally appeared Debbie Richards, known or identified

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

Debbie Richards
Notary Public for IdahoResiding at Boise, IdahoMy commission expires: 12/93

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JUL 26 1990

Hearing Information

app for amendment - 63-11273

app for permit - 63-11934



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

MEMORANDUM

To: L. Glen Saxton
From: R. Keith Higginson *RKH*
RE: APPOINTMENT AS HEARING OFFICER - PROCEDURE RULE 410
Date: June 30, 1993

I, R. Keith Higginson, Director of the Idaho Department of Water Resources (department) hereby appoint L. GLEN SAXTON in compliance with department Procedure Rule 410 to act as Hearing Officer on behalf of the department in the following contested matter:

Application for Permit No. 63-11934 and Application for Amendment No. 63-11273 in the name of Ron Sali.

The department has scheduled a hearing in the matter as follows:

Date: July 8, 1993
Place: IDWR Conf Rm, 1301 N. Orchard St. - Boise, Idaho
Time: 10:00 a.m.

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- ROSTER OF ATTENDANCE -

RE: Hearing - Application for Permit No. 63-11934 and Application for Amendment of Permit No. 63-11273 in the name of Ron Sali

Date: July 8, 1993

Place: IDWR State Office Conference Rm., 1301 N. Orchard St., Boise, Idaho

	Name	Address	Representing
1.	Ron Sali	1020 Main	Self
2.	Earnest Proyer	614 N 31	SELF
3.	Bruce Healy	400 S. Liader	Self
4.	Lorna Diphaud	2256 N. Lawrence	Self
5.	Robert Marshall	4633 HATCHERY RD	SELF
6.	Shirley Chapman	4105 Orchard St 144 Boise	Ron Sali
7.	Robert W Tennet	1591 Antevion Rd Eagle	Self
8.	Bruce Smith	Rosholt Robert Drive PO Box 2139 Boise	Ron Sali
9.			
10.			
11.			
12.			
13.			

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NOTES Review of Tape

Ran Sali

17. - Farms 232 ac total

33.0 fluctuating water flows

59. ^{100%} pond - 90% complete.

106. artesian well flow ~~at~~ 450 gpm.

180. Concern is reduction of artesian pressure & lowering of sub-water (water table).

186.7 Tutthill ?'s of Sali.

232 total

174 on app

150 ac - proof submittal.

172
55
227 ac - Wetted area questions.

201.1 Sactor ?'s of Sali

238.7

310.6

344.1

346.

↓
Chapman - called as witness
15 H.P. installed in CPM pump
pipe in the pond.
Pond is about 25' deep.
Pump is $\approx$ 14' deep.
Pump intake set @ 13'

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- 346 - Boise R. & Pond water are interconnected
- 361 The zero drawdown point would be $\approx 100'$ from the pump. Based on a 5' drawdown.
373. Capacity of system.
Model 15 Parma pump
 $8\frac{1}{2}'$ level - 1125 gpm
 $13'$ level - 725 gpm } 15 HP pump
- 378.7 Hart Davis right
2.5 cfs
- 403 Arterial aquifer is separated from the shallow ground water system by a series of clay layers
- 409.9 Tannehill X of Chapman,
Tutthill X of Tutthill
- 428.6 Saxton ? of Chapman,
- 431 adj. Claims
1.68 & 0.81 cfs
- Tannehill direct
- 446.6 Has lost sub-irrigation & is starting to have trouble w/ domestic well,
- 458.3 Tannehill property is $\approx \frac{1}{2}$ ~~acre~~ ~~fringed~~

473 Kannehill well is 64' deep - total.
 476 Well is from 10 to 20 yrs old.

482.1 Hubbard direct

483.8 Sali owns a total of 196 shares of stock.
 Water table fluctuates.

537.2 Healy direct

539.1 - Lowering of water table is the concern
 - Healy is $\approx 100'$ from Sali, across Linder Rd.

Smith x of Healy

582. Healy owns 4 shares of stock
 590.2 Healy has 10 acres,

I asked the applicants for the following
 1. An analysis of the wetland area (irrigated land & swamp land) before & after constr. of the pond.

2. Actual date the pump was installed & used in 1983.

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594.4

Sali Rebuttal Testimony

646.

Requested info is due to
the hearing officer on July 22

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63-11934 - App for Permit

63-11273 - App for Amendment

Notes for Ron Sali Hearing

July 8, 1993

Notes by D. Tutthill

Applicant Represented by Bruce Smith, Esq
Sherl Chapman

Applicant Present

Protestants Present : Bob Tannyhill
Bruce Healey
Ernest Rogers
Bob Marshall
Lorna Hibbard

All issues are of concern except financial resources

Ron Sali:

232 acres on Linder Road

P-1 Exhibit contains an outline of the farmed area

Fall of 1990 purchased this property

Intent of pond: store and release fluctuating flows

? How many acres can be farmed
" " " have Boise R. Water?

This year - 190 acres

Water Rts show 174 acres

Hart Davis Water

Artesian well water

Pond water

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Exhibits

Admitted

R-1	Orthophotograph of Area	yes
R-2	Photo	yes
R-3	App No. 63-11934	yes
R-4	Permit 63-11273	yes
R-5	App for Amendment of 63-11273	yes
R-6	Certificates from Hart Davis Ditch Co	yes
R-7	Letter from Ben Kuenzlie ^{sp?}	yes
R-8	Photo Depicting 5/31/92 60 ac S of mid channel	
R-9	" " Same property - year earlier	
R-10	" " Oct field	
R-11	" " Same property - year earlier	
R-12	" " North property	

S-1	Letter to Ren Sali from Karl Gebhardt	yes
S-2	Gravel Pit permit for Ren Sali from Ada County	yes

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Acresage Summary

Proof for 63-11273	150 acres	1.1 cfs
Permit for 63-11273 (also amend.)	174 ac	3.48 cfs
App for Permit 63-11934	174 ac	20 af

? Total wetted area before & after the pond improvements?

N of Middle Channel	172	} Raylance System
S of Middle Channel	55	
Total	227	

Per Ron Sali, 150 acres on proof should have shown 172 acres in place of 150 acres.

Artesian well flows 450 gpm

Shari Chapman

Range of flows pumped by ~~splitter~~ 15 hp system

Sump is 14' deep; pump is set at 13'

Boise P. & water in pond are interconnected

Prepared drawdown graph -

5' drawdown - Zero impact beyond 30-100'

- Water is available to satisfy this use

- Other rts will not be impacted

- Conservation is enhanced via this project - less water used overall

PROPOSED

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Pump Curve shows 1125 gpm ^{from 15 hp pump} - water its exceed this amount
→ When was pump installed? ^{Sometime last summer}

Pit pumping will not impact artesian wells

Sub water should not be impacted by the pit.

186 Shares in Hart Davis ditch

$$1.68 \text{ cfs} + .81 \text{ cfs} = 2.69 \text{ cfs}$$

About 125" (2.5 cfs) is appurtenant to the Sali property

Mr. Tannehill

No longer has subirrigation

Domestic well is showing signs of drying up - Sand in water

"He has taken all of my water - the only thing I have left is the ditch"

Property is $\frac{1}{2}$ mi. from pond

Depth of the well is 64' problem of sand has appeared in the last couple of weeks.

Mrs. Hubbard

Total shares = 146 (the 40 Shares certificate is a subset, not additive)

The water table fluctuates - I don't know why

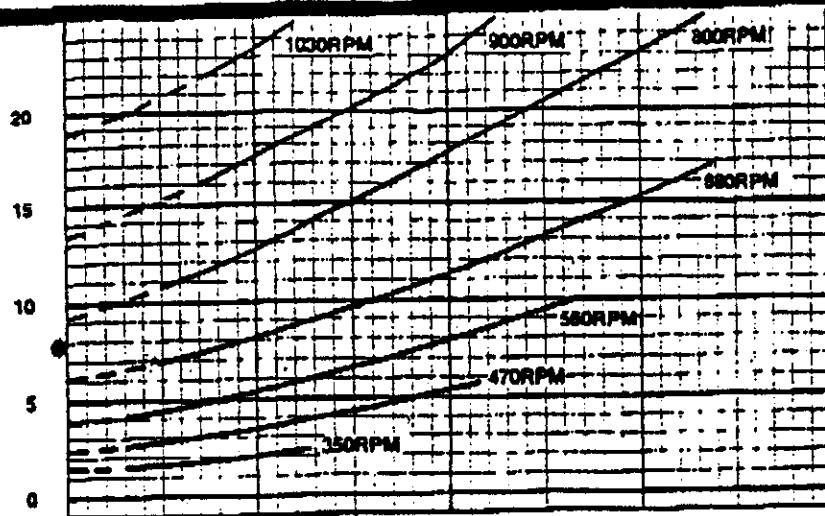
Bruce Healey

Only concerned about lowering the water table
4.2 shares for 10 acres

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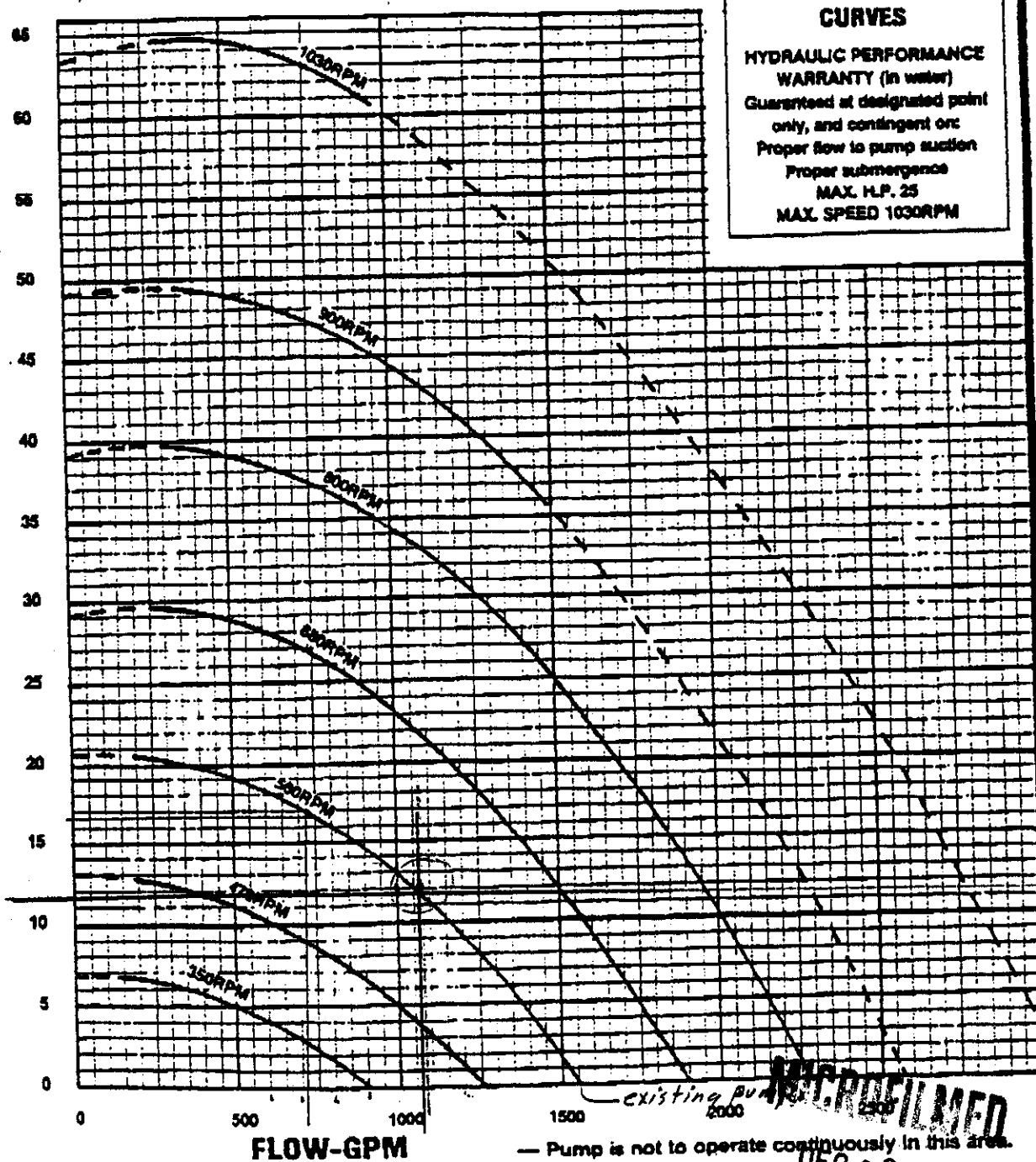
HORSEPOWER



**MODEL 15 PARMA
MULTI-SERVICE PUMP
PERFORMANCE
CURVES**

**HYDRAULIC PERFORMANCE
WARRANTY (in water)**
Guaranteed at designated point
only, and contingent on:
Proper flow to pump suction
Proper submergence
MAX. H.P. 25
MAX. SPEED 1030RPM

TOTAL HEAD FEET



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TABLER

EXHIBIT A-1

R-2

465
7/2/73

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SEP 29 1992

Ident. No. 63-11934

Department of Water Resources
Western Regional Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: RON SALI
Address: 1020 MAIN ST. #420
BOISE ID 83702

208-343-5042

2. Source: GROUNDWATER
BOISE RIVER

Trib. to: BOISE RIVER
SNAKE RIVER

3. Location of Point of Diversion: Lot 3(SENW), Sec. 18, Township 04N, Range 01E
Lot 12(SENE), Sec. 14, Township 04N, Range 01W
ADA County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION STORAGE	01/01	12/31			20.00
IRRIGATION FROM STORAGE	03/15	11/15			20.00

5. Total quantity to be appropriated is:
CFS (and/or) 20.00 AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
HART DAVIS DITCH FROM THE BOISE RIVER; POND EXPOSES GW.
- Height of storage dam feet; active reservoir capacity 20.00
acre-feet; total reservoir capacity 20.00 acre-feet; period of
year when water will be diverted to storage: to inclusive.
- Proposed well diameter is inches; proposed depth of well is
feet.
- Is groundwater with a temperature greater than 90F being sought? NO

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 3 years.

8. Description of proposed uses:

9. Place of Use: IRRIGATION FROM STORAGE

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
04N	01W	14	Lot 11(SWNE) 45.2	Lot 12(SENE) 47	NESE 39	
			Lot 10(NWSE) 42.8			174

EXHIBIT

R-3

Admitted Total number of acres irrigated.

165
1/8/93

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10. Describe any other water rights used for the same purposes.
11. a. Who owns the property at the point of diversion?
GW-APPLICANT, SW-EXIST DITCH
- b. Who owns the land to be irrigated or place of use?
APPLICANT
- c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.
12. Remarks:
Sources for this right are Groundwater, tributary to the Boise River, and the Boise River, tributary to the Snake River.
13. Map of proposed point of diversion and place of use attached? [x]

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

[Signature]
Applicant

Received by MM Date 9-29-92 Time 10:46 Preliminary check by _____

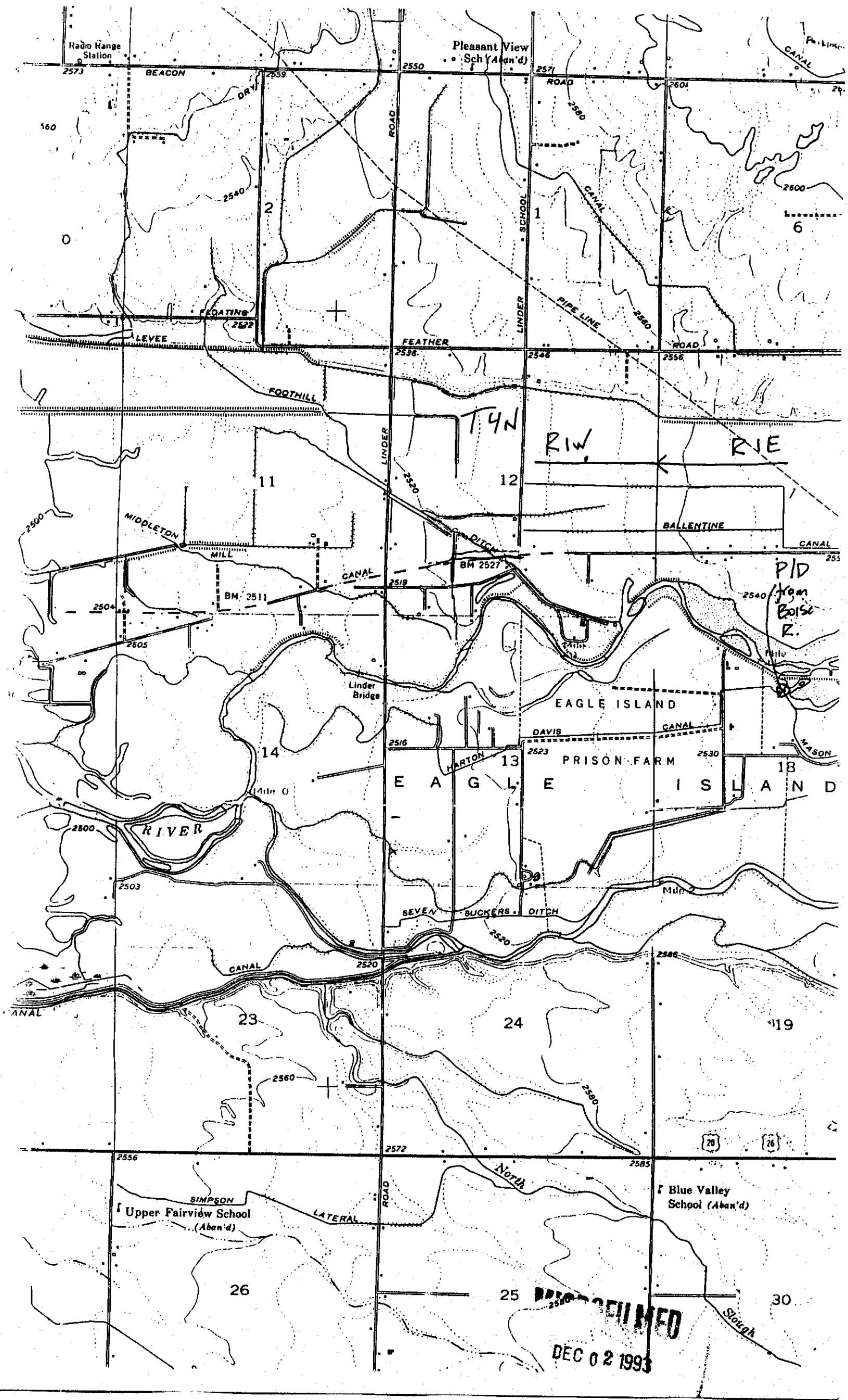
Fee \$ 30⁰⁰ Receipted by AD # W015468 Date 9-29-92

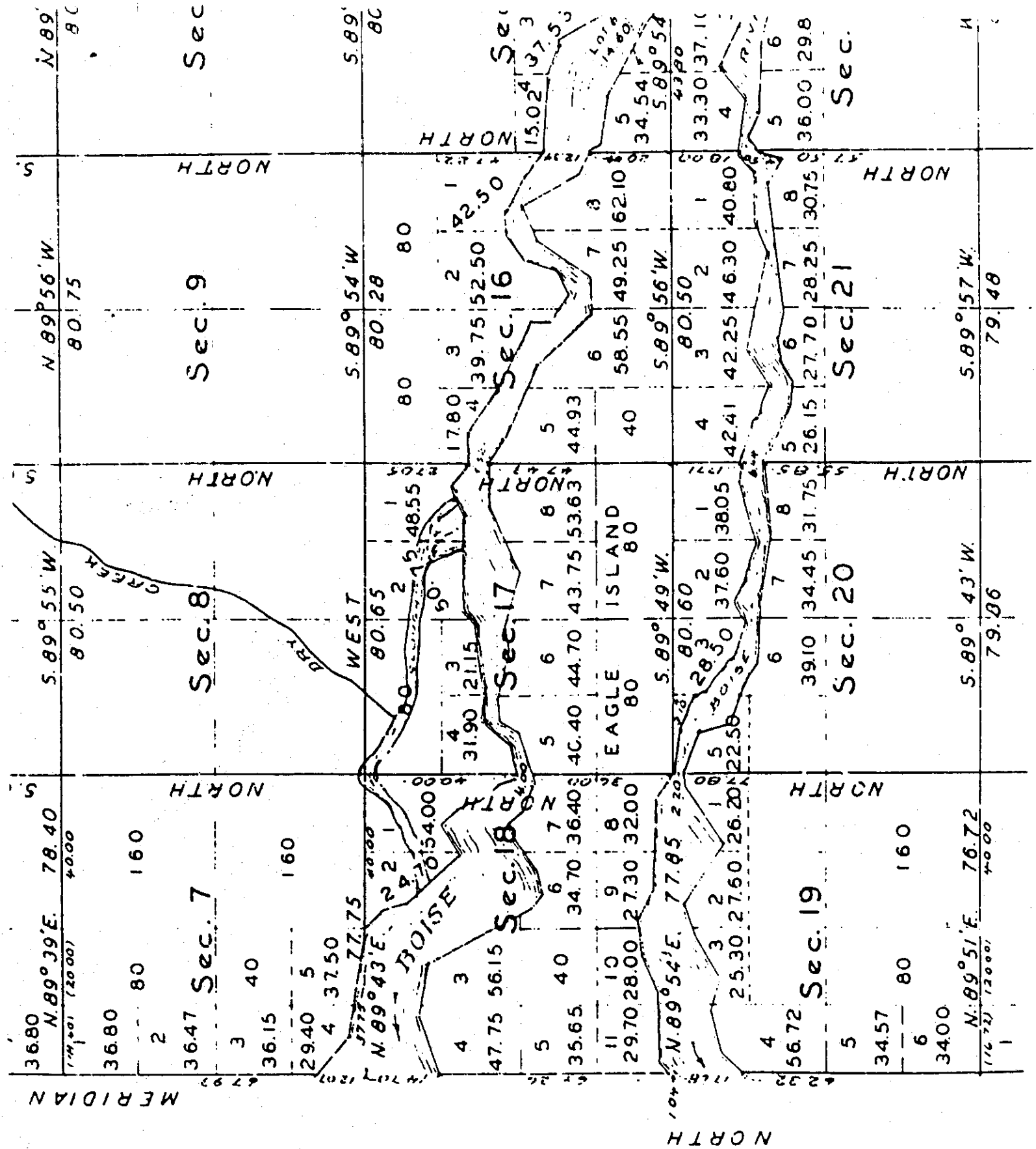
Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

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DEC 02 1992





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State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-11273

Proposed Priority: February 21, 1990 Maximum Diversion Rate: 3.48 CFS
This is to certify, that **RON SALI**
1020 MAIN ST. #420
BOISE, ID 83702

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	3.48 CFS

LOCATION OF POINT(S) OF DIVERSION: LOT 10(NENWSE), Sec. 14, Township 04N, Range 01W
LOT 12(SESENE), Sec. 14, Township 04N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	01W	14	LOT 11(SWNE) 45.2	LOT 12(SENE) 47	NESE 39	174
			LOT 10(NWSE) 42.8			

Total number of acres irrigated: 174

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1992.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
5. 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 July, 1990

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JUL 26 1990

for
R. Keith Higginson, Director

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DEC 02 1993



Should questions arise during the processing of this application please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 63-11273

To appropriate the public waters of the State of Idaho

1. Name of applicant Ron Sali Phone 343-5042
Post office address 1020 Main Street, Suite 420, Boise, Idaho 83702
2. Source of water supply Ground water which is a tributary of N/A
3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot 12
Sec. 14 Township 4N Range 1W B.M. Ada County; additional
points of diversion if any: NENWSE (Lot 10), Sec. 14, T4N, R1W
4. Water will be used for the following purposes:
Amount 3.48 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) 3.48 and/or (b) N/A
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Two drilled wells, ditches and open distribution works.
 - b. Height of storage dam N/A 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 200 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 5 years (minimum 1 year).

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JUL 26 1990

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	1W	14			L 11 45.19	L 12 46.95									39	L 10 42.8			173.94

Total number of acres to be irrigated 173.94

10. Describe any other water rights used for the same purposes as described above. 63-00186 (part)
63-00134 (part)

- 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: Wells will be drilled through the water table aquifer to penetrate the
artesian aquifer below. Blank casing will be used to seal the well from the
water table aquifer.

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JUL 26 1990

SEE ATTACHMENT "A"

MICROFILMED

JUL 26 1990

North MICROFILMED

[Signature]

DEC 02 1993

Received by Yls. Date 2/21/90 Time 4:00pm Preliminary check by GG
Fee \$ 105.00 Receipted by JH # W009285 Date 2-22-90
Publication prepared by GG Date 4-11-90 Published in ID Statesman
Publication approved st Date 5-31-90 4/19 & 4/26/90

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:

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JUL 26 1990

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AUG 19 1993

Department of Water Resources
Western Regional Office

STATE OF IDAHO

Ident. No. _____

APPLICATION FOR AMENDMENT OF A PERMIT

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

Comes now RON SALI Phone 343-5042of (address) 1020 MAIN ST, SUITE 420, BOISE 83702, and represents to the
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. 63-11273, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE ^{(412) 2 rts} NE $\frac{1}{4}$, Section 14, Township 4N, Range 1W, B.M.,
County of ADA. Other points of diversion: NENWSE, 410,
Sec 14, T4N, R1W

2. Period and nature of use: (Irrigation, domestic, stockwatering, industrial, etc.) N/C

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated: N/C

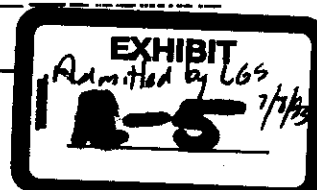
TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
04N	01W	14									X								

Total number of acres to be irrigated = 174

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: _____

MODIFIED

DEC 02 1993



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

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



X

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by Ly Fee = \$20.00
Publication prepared by SLB Date 8/26/92
Publication dates 9/2 + 9/10/1992
Receipted by LH Date 8/20/92
Published in State Stateman

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19 _____

DEC 2 1993

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

\$36.48

Account Number 047628		Identification NOTICE OF CORRECTION OF APPLICATION FOR AMENDMENT OF A PERMIT / No. 63-11273/Ron Sali	
Ordered By Gail Garrett	P.O. Number	Rate NT	Run Dates October 1, 8, 1992
State of Idaho Department of Water Resources Western Region 2735 Airport Way Boise, Idaho 83705		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 3243-

KAREN MAKRER

LEGAL NOTICE NOTICE OF CORRECTION OF APPLICATION FOR AMENDMENT OF A PERMIT

Notice is hereby given that on September 3 and 10, 1992, Application for Amendment of Permit No. 63-11273 in the name of Ron Sali was advertised in error.

The Point of Diversion was advertised as T04N R01W Sec. 14 Lot 12 (SESENE), Lot 10 (NENWSW), Ada County, to be used for irrigation purposes from 3/15 to 11/15 within portions of T04N R01W Sec 14 S1/2NE, N1/2SE. Whereas, the Point of Diversion should have read T04N R01W Sec 14 Lot 12 (SESENE), Lot 10 (NENWSE), Ada County, to be used for irrigation purposes from 3/15 to 11/15 within portions of T04N R01W Sec. 14 S1/2NE, N1/2SE County.

Any protest against approval of this water right application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before October 19, 1992.

R. KEITH HIGGINSON, Dir.
Pub. Oct. 1, 18, 1992 3243

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

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of OCTOBER 1, 1992

and ending with the issue of OCTOBER 8, 1992

Karen Marker

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 8TH day of OCTOBER in the year of 1992, before me, a Notary Public, personally appeared KAREN MARKER, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

[Signature]
Notary Public for Idaho
Residing at BOISE, ID

My commission expires: 11-27-92

Department of Water Resources
Western Regional Office

MICROFILMED

DEC 02 1993

OCT 15 1992

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

\$35.40

Account Number 047628		Identification NOTICE OF APPLICATION FOR AMENDMENT No. 63-11273	
Ordered By Gail Garrett	P.O. Number	Rate NT	Run Dates September 3, 10, 1992
State of Idaho Department of Water Resources Western Region 2735 Airport Way Boise, Idaho 83705		Estimated Inches	Real Inches
		# Affidavits 1	Legal Number 3062

LEGAL NOTICE NOTICE OF APPLICATION FOR AMENDMENT

Notice is hereby given that permit No. 63-11273 in the name of Ron Sall was filed on 2/21/1990 for the diversion of 3.48 cfs from groundwater with a point of diversion within the T04N R01W Sec. 14 Lot 12 (SE-SENE), Lot 10 (NENWSW), Ada County, to be used for irrigation purposes from 3/15 to 11/15 within portions of T04N R01W Sec. 14 S1/2NE, N1/2SE.

The permit holder now proposes to amend the permit by changing the point of diversion to T04N R01W Sec. 14 Lot 12 (SESENE) 2 points; Lot 10 (NENWSE), Ada County.

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 September 21, 1992.

R. Keith Higginson
Director
Pub. Sept. 3, 10, 1992

3062

JULIE DAY

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

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of SEPT. 3, 19 92

and ending with the issue of SEPT. 10, 19 92

Julie Day

STATE OF IDAHO)

ss.

COUNTY OF ADA)

10th

SEPTEMBER

On this 1992 day of _____ in the year of _____ before me, a Notary Public, personally appeared JULIE DAY

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

Ruth Lee
Notary Public for Idaho

Residing at BOISE, ID

My commission expires: 11-27-93

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DEC 02 1993

SEP 16 1992

Department of Water Resources
Western Regional Office

EXHIBIT
Admitted by LBs
7/8/93
R-6

INCORPORATED UNDER THE LAWS OF IDAHO

NUMBER
64

SHARES
40



HART-DAVIS DITCH COMPANY

CAPITAL STOCK: \$24,000 WITH NO PAR VALUE

FULLY PAID

NON-ASSESSABLE

This certifies that Ronald J Sali *is the*
registered holder of Forty *Shares*

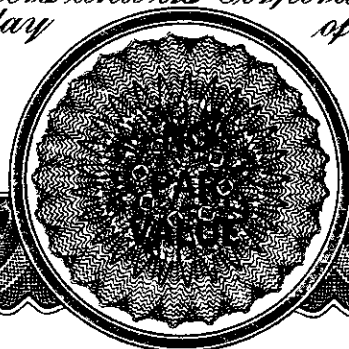
of the capital stock of

HART-DAVIS DITCH COMPANY

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed
this 13 *day* of June A. D. 1991

Lynna Dibbards
SECRETARY



Alan J. Sawyer
PRESIDENT

DEC 02 1993

RECORDED

43

146

INCORPORATED UNDER THE LAWS OF IDAHO



HART-DAVIS DITCH COMPANY

CAPITAL STOCK \$24,900.00

This Certifies that R. B. R. Investment Co.
 is the owner of 146 Shares of the Capital Stock of
Hart-Davis Ditch Company
 Transferable only on the books of this Corporation in person or by Attorney
 upon surrender of this Certificate properly endorsed.

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed
 by its duly authorized officers and its Corporate Seal to be hereunto affixed
 this 12th day of July, 1917

[Signature]

SECRETARY

[Signature]

PRESIDENT

SHARES 50 (EAGLE)

XLIX.

That the defendant MARY G. DAVIS be, and she is hereby awarded the use of the waters of Boise River, diverted at a point about the center of the NE $\frac{1}{4}$ of Sec. 18, T. 4 N. R. 1 E. B.M., for use upon lots 3 and 4 and the SW $\frac{1}{4}$ of Sec. 13, and lots 3 and 4 of Sec. 24, all in T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0186 220 inches, from June 1, 1872; and hereby designated as Right No. 57.

T. P. D. No. 60

And be adjudged to pay \$15.40 costs in addition to the costs incurred by her.

L.

That the defendant EDWARD N. HART be, and he is hereby awarded the use of the waters of Boise River, diverted at a point about the center of the NE $\frac{1}{4}$ of Sec. 18, T. 4 N. R. 1 E. B.M., for use upon the following described lands; beginning at SW corner of Sec. 13, T. 4 N. R. 1 W. B.M., and running thence east 517 feet, thence north 3980 feet, thence west 517 feet, thence south to place of beginning; also lots

9, 10, 11 and 12, and E $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 14, all in T. 4 N. R. 1 W. B.M.

in the following amount and from the following date;

63 0187 165 inches, from June 1, 1872; hereby designated as Right No. 58.

T. P. D. No. 61

And be adjudged to pay \$11.55 costs in addition to the costs incurred by him.

LI.

That the plaintiff, the FARMERS' COOPERATIVE DITCH COMPANY, a corporation, be and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north side of said river, near what is known as the Caldwell bridge in Canyon County, Idaho, for use upon the lands lying under its canal system in the following amounts from the following dates;

63 0188 500 inches, from June 1, 1875; and hereby designated as Right No. 60.

63 0189 1000 inches, from June 1, 1883; and hereby designated as Right No. 88.

63 0190 2500 inches, from July 1, 1883; and hereby designated as Right No. 105.

DEC 02 1993

63 01714175 inches, from July 1, 1896; and hereby designated as Right No.129.

And be adjudged to pay \$572.25 costs in addition to the costs incurred by it.

JUL 7 93 14:23

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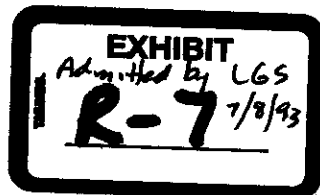
September 1, 1992

P O Box 284

Star, Idaho 83669

Dear Ron,

You have asked my opinion about how your farm on Linder Road can be irrigated properly. After farming this property in the crop year of 1991, I feel that the only way you can irrigate at a constant rate is to have a storage facility of some kind for your irrigation water. Your particular irrigation lateral has no ditch rider to oversee the distribution of the water. You have an ample amount of water for two hours, no water for three hours, and maybe too much water for five hours. You have no control as to when or for how long the water will be available to you. The only way to control this problem is to store your water and to release it to the farm at a constant rate. It is the same principle as the Boise River dam systems. You could release the needed amount of water from a storage pond that is needed for your individual fields. The farm is basically worthless for raising any kind of crop without any way to control the flow of irrigation water. The larger the storage pond, the better control you will have over the irrigation water. The soil conservation service at Meridian should be able to assist you in sizing and specifications of your pond. I have mentioned this problem to them at one time. They offered their assistance at that time.



Sincerely,

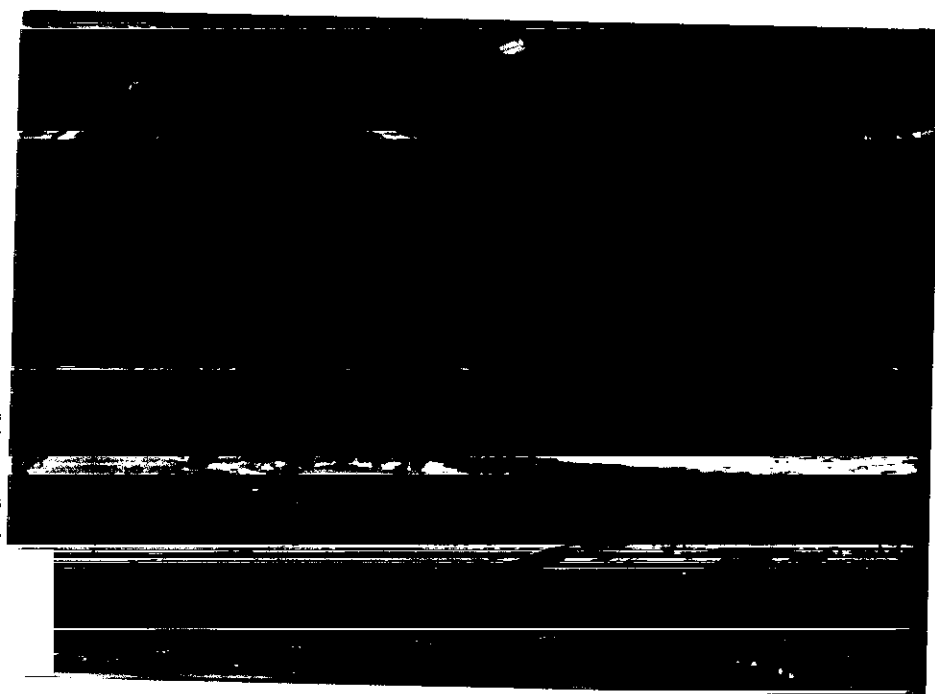
Ronald Hughes

Sep. 01 1992 7:11PM P01

PHONE NO. : 2082867699

From : EMERALD OIL & FARMS

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DEC 02 1993







- Ward, R. D., & Bickman, K. W. (1996). *Preschoolers' social play: A comparison of children with and without autism*. *Journal of Autism and Developmental Disorders*, 26, 137-150.
- Watt, N. S., & Rutter, M. (1990). *Psychiatric disorders in childhood: A longitudinal study of the outcome*. London: HMSO.
- Watt, N. S., & Rutter, M. (1993). *Psychiatric disorders in childhood: A longitudinal study of the outcome*. London: HMSO.
- Watt, N. S., & Rutter, M. (1994). *Psychiatric disorders in childhood: A longitudinal study of the outcome*. London: HMSO.
- Watt, N. S., & Rutter, M. (1995). *Psychiatric disorders in childhood: A longitudinal study of the outcome*. London: HMSO.



Mr. Ron J. Sali
Alaska Center, Suite 420
Boise, Idaho 83702

September 3, 1992

Dear Mr. Sali,

I have completed an analysis of your proposed gravel pit operation near Linder Road and the North Channel of the Boise River. The primary areas covered by the analysis were ground water impacts and related impacts to surface water irrigation. Analysis included the use of ground water computer models and other procedures typically used by hydrologists.

I have included a summary of my qualifications which include Professional Engineering, Professional Hydrologist licensing, expert witness performance in U.S. District Court, and national recognition in water quality and wetland management. I was also the project leader for the Boise River Fish and Wildlife Management Study which was the basis for the Boise River Plan.

In my opinion, your gravel operation will have little impact on existing water use. This is mainly due to the presence of the Boise River, which will act as a continuous recharge source to any short-term depletion your project produces. The use of the gravel pit as an irrigation source can reduce the delivery requirements of upstream users. I would expect upstream irrigation users would have much more flexibility in their irrigation operation with the availability of your gravel pit-supplied irrigation water.

The gravel pit, after proper planning and reclamation could also provide a number of highly valued wetland, wildlife, and recreation functions that are limited in this portion of the Boise River.

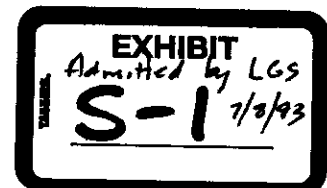
If you require additional information, please do not hesitate to ask.

Sincerely,

Karl Gebhardt, P.E., P.H.
Hydrologist/Environmental Engineer

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DEC 02 1993



VITAE

Karl A. Gebhardt, P.E.

Education: B.S. Civil Engineering, University of Utah,
Salt Lake City

M.S. Civil and Environmental Engineering
Utah State University, Logan

Employment:

1983 to present: Resource Systems, Inc., Hydrologist/Environmental Engineer. Responsibilities include acting as a consultant, project engineer, and program manager.

1976 to present: U.S. Bureau of Land Management (BLM). Current position, Hydrologist/Environmental Engineer, Idaho State Office and liaison to Agricultural Research Service (ARS), Northwest Watershed Research Center.

Responsibilities include Senior Technical Specialist (highest grade of technical expert within BLM) for water resources, riparian management, and hazardous materials management at a national level. Responsible for the hazardous materials management program within Idaho. Liaison responsibilities with the ARS include cooperating scientist, researcher, modeler, computer programmer, project manager, and advisor.

Water Resources and Environmental Experience:

Recent recipient of special act award for developing national wetland-riparian classification methodology (BLM, SCS, Fish and Wildlife Service).

Expert witness in hydrology/contaminant transport, 1990 for State of Idaho, U.S. District Court.

Expert witness for U.S. Attorney, 1983. Expert witness for U.S. Department of Interior Solicitor, 1983-84.

Project Manager, Boise river fish and wildlife habitat study.

Wetland design consultant to River Run Development Company, Spring Meadow Project.

Instructor of wetland hydrology, river mechanics, non-point source modeling for Don Chapman Consultants, Inc.

Instructor of riparian hydrology, computer analysis, landfill hydrology, contaminant hydrology for the Bureau of Land Management's Phoenix training Center.

Consulted on design and evaluation of numerous riparian systems and projects in all western states.

Experienced with many computer models including HEC-1, HEC-2, Simulator for Water Resources in Rural Basins (SWRRB), Simulation of Production and Utilization on Rangeland (SPUR), Hydrologic Evaluation of Landfill Performance (HELP), U.S. Fish and Wildlife Stream Temperature Model, Erosion Prediction Impact Calculator (EPIC), Groundwater Leachate, Erosion, from Agricultural Managed Systems (GLEAMS), Pesticide Root-Zone Model (PRZM), Quick-silver forestry economic model (author), Western Aquatic Messiah, expert system (co-author), Ekalaka Rangeland Hydrology and Yield Model (ERHYM), RANGE-TECH soil-water balance model (co-author, in preparation). Operationally familiar with QUAL-III surface water quality model, UNSAT 2-D ground water model, Chemical, runoff, erosion from agriculturally managed systems, (CREAMS).

Professional Affiliation:

Registered Professional Engineer
Registered Professional Hydrologist

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American Society of Civil Engineers
Society of Wetland Scientists
American Institute of Hydrology
Water Pollution Control Federation
American Water Works Association
Society of Range Management

Seminars and instruction conducted:

Seminar on Toxicity of Mercury, Cadmium, Zinc, Utah State Univ., 1976
Seminar on Hydrology of Virgin River, 1978
Seminar on Modeling, 1984, 1988-89.
Instructor, Coordinated Riparian Management 1988-1992
Instructor, Ecological Site Classification for Wetlands 1990-1992
Instructor, Hazardous Waste Pathways, 1991
Instructor, Introduction to Hazardous Waste Management, 1988-1992
Instructor, Range Monitoring, Phoenix, 1985.
Instructor, Range School, Phoenix, 1987.
Instructor, Advanced Groundwater Hydrology, Phoenix, 1985 - 88.
Instructor, Soil, Water, Air School, Phoenix, 1986-87, 1989-90.
Instructor, Personal Computer Lab, 1987-90.
Instructor, Riparian Short Course, Salt Lake City, 1986.
Instructor, Riparian Short Course, Boise, Idaho, 1986-1987.
Instructor, Non-point pollution short course, Boise, Idaho. 1988, Reno, Nevada, 1989.
Seminar on Expert Systems, 1986, 1987.
Seminar on Fortran Programing on Personal Computers, 1986.
Seminar for State of Idaho on Landfill evaluation, 1986.

Honors, awards, fellowships:

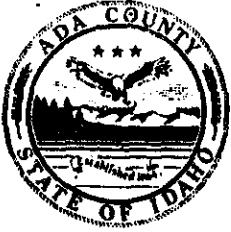
Recipient of Robert Ridgeway Award, Outstanding ASCE student chapter in U. S., 1974 while president.
Recipient of ASCE Senior Award, 1974.
Recipient of John Call Scholarship, 1973. University of Utah.
Outstanding scoutmaster award, 1978.
USU project grant, 1974. Utah State University.
EPA training grant, 1975. Utah State University.
Charter President, American Institute of Hydrology, Idaho Section, 1987-89.
BLM Special Achievement Award. 1978, 1983, 1984, 1985, 1988, 1989, 1990, 1991, 1992.
BLM Quality Increase Award. 1982, 1989.
Dept. of Interior, Unit Award, 1980, 1992.
ASCE Certificate of Appreciation, 1980, 1984.
Keynote Speaker, Montana Riparian Association, 1989.
Program Chairman, Riparian Symposium, Society of Range Management, 1990.
Program Chairman, Use of Models, ANRA Modeling Symposium, 1990.
Facilitator, EPA Nonpoint Water Quality Workshop, New Orleans, 1991.
Panel Member, Creation of Wetland, No Net Loss Symposium, Boise, 1991.
Panel Member, Sedimentation Conference, Las Vegas, (March, 1991).
Invited Speaker, EPA Nonpoint Water Quality Workshop, Chicago, 1992
Invited Speaker, Colorado Riparian Association, November, 1992
Invited Speaker, Wetland and Water quality, Project Learning Tree, Boise, Idaho, 1991, 1992

Publications and presentations:

Over 50 including 15 refereed/peer-reviewed publications or documents.

RECEIVED

DEC 02 1993



ADA COUNTY

COMMISSIONERS
OFFICE
650 Main Street
Boise, Idaho 83702
383-4417

Gary Glenn
Commissioner, First District

John Bastida
Commissioner, Second District

Vernon L. Bisterfeldt
Commissioner, Third District

September 17, 1992

Mr. Ron Sali
1020 Main Street, Suite 420
Boise, Idaho 83702

RE: FILE # 92-09-A

Dear Mr. Sali:

This is to inform you of action taken by the Board of Ada County Commissioners (hereinafter Board) on the above captioned application.

The Board voted at their September 17, 1992, public hearing to approve this application. The Board reached this determination based on the Findings of Facts and Conclusions of Law attached hereto.

If you have any questions, please contact the Development Services Department at 383-4424.

Sincerely,

BOARD OF ADA COUNTY COMMISSIONERS

John Bastida
John Bastida, Chairman

ABSENT

Gary Glenn, Commissioner

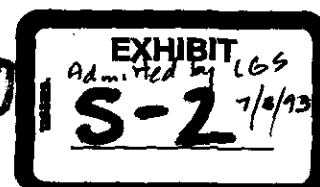
Vernon L. Bisterfeldt
Vernon L. Bisterfeldt, Commissioner

BOCC/MJS/mjs

Enclosure

MICROFILMED

DEC 02 1993



**In the Matter of
Appeal Request
by Mr. Ron Sali**

FILE # 92-09-A
FINDINGS OF FACT AND
CONCLUSIONS OF LAW

A hearing was held before the Board of County Commissioners on September 3, 1992 for the purpose of considering the above captioned appeal request.

SUMMARY OF THE RECORD

The record before the Board is comprised of:

1. Staff report prepared for the Board of County Commissioners;
2. Application forms prepared and submitted by the applicant;
3. Record of the proceedings of the public hearing conducted by the Ada County Planning and Zoning Commission held July 16, 1992;
4. A summary of individual testimony presented to the Board; and
5. All other information contained in file #'s 92-31-CU and 92-09-A.

1. On July 31, 1992, Ada County Development Services Department accepted application # 92-09-A, and scheduled it for public hearing before the Board of Ada County Commissioners on September 3, 1992.
2. Development Services Department staff notified other appropriate public agencies of this request and solicited their comments August 11, 1992.
3. Announcement of the public hearing were mailed to the owners of all property located within 1000' of the site in question, and legal notice of the public hearing was published in the Idaho Statesman on August 17, 1992. Notices were posted near the site prior to the public hearing.
4. Development Services Department staff conducted an inspection of the site in question May 21, 1992.
5. At the conclusion of its public hearing, the Planning and Zoning Commission voted to deny this conditional use application.

REFILMED

DEC 02 1993

SUMMARY OF TESTIMONY

1. Mr. Michael Jay Shrewsberry, representing Development Services Department, presented the staff report and summarized the official action of Planning and Zoning Commission's decision to deny application # 92-31-CU.
2. Mr. John L. Runft, an attorney representing the appellant, spoke in favor of the proposal. He stated that the appellant's property was located at the end of the Harton-Davis Ditch, and that he has faced a persistent problem of obtaining adequate irrigation water for his farming operations. The construction of the subject ponds would be a sensible solution to this problem. The appellant owned 146 of the 337 shares of the water provided by the Harton-Davis Ditch. The lack of water use controls such as employing a ditch rider and installing headgates and weirs has created a situation of unequal distribution of irrigation water along this canal, with the appellant's property suffering from either excess water flooding fields or upstream diversions causing disruption of irrigation efforts. The current situation has caused the abandonment of 80 acres from agricultural production. Mr. Runft then stated that the alternatives to rectify this situation involved either litigation against the ditch company in order to insure the stable delivery of water to the appellant's property, or the proposed construction of the ponds. After making an explanation of the geographic orientation of the gravel pit site, Commissioner Bastida asked if the pit would be located along the south bank of the Boise River. Mr. Runft stated yes.
3. Mr. Ron Sali, the appellant, spoke in favor of the appeal. He stated that he operated a 240-acre farm on North Linder Road, and owned approximately 1/3 of the water shares in the Harton-Davis Ditch. He stated that his location at the tail-end of the canal coupled with the absence of any policy of water-use supervision has created the present difficulties with water delivery to his property. 63 acres of his property were idled due to the unreliable water supply. The routing and use of the canal through two existing mobile home parks has caused septic tank problems for residents of these two developments. He stated that the construction of the proposed water retention reservoir could solve water use problems on the Harton-Davis Ditch and give him the capacity to absorb any disruptions in flow along the canal. The projected cost would be \$ 20,000, of which \$ 12,000 has been spent on the removal of overburden and installation of a pumping system. He also stated that he has been bonded in order to assure the completion of the state approved site reclamation plan. He further stated that this proposal has been approved by the Idaho Department of Lands, Idaho Department of Environmental Quality, Idaho Department of Water Resources, Idaho Department of Fish and Game, and the United States Army Corps of Engineers. The economic gain of 24 ¢ per cubic yard for the gravel would allow him to recover his cost, and would require the excavation contractor to perform the reclamation of the site. The lifespan for this project would be 3 1/4 years at most, and would not adversely impact traffic conditions on North Linder Road. Discussions with Ada County Highway District (ACHD) has provided a possible customer for 100,000 cubic yards of the gravel, which could result in the simultaneous improvement of North Linder Road with the pit's excavation. This would greatly shorten the time of the project and be a tax-saving measure for Ada County residents. Commissioner Biesterfeldt asked if the project would be significantly shortened if ACHD were to contract for the excavated gravel from the pit in question. Mr. Sali replied that ACHD would take the great majority of the pit's production, and that this would greatly shorten the project's lifespan. Mr. Sali also stated that he agreed with the conditions of approval proposed by Development Services Department staff for this project application.
4. Mr. Lee Sysco, Water Master for the Boise River, presented testimony regarding his knowledge of the internal affairs of irrigation companies accessing the Boise River. He stated that in his experience water use dis-

putes commonly involve issues similar to that of the appellant's in that the downstream users of irrigation water are at the mercy of up-stream users, and that abuses of water distribution and rotation agreements are common. He also stated that although he could not address the project in question, the use of retention ponds in this context is a common practice to alleviate water use problems. Other options involve various legal means either through the district court or Idaho Department of Water Resources to force the Irrigation Company to practice increased internal control of water distribution, even to the point of requiring the employment of a ditch rider and installation of locking headgates to regulate water flows to users. Mr. Bastida asked what controls were practiced on the distribution of irrigation water. Mr. Sysco responded by stating that each company is required to maintain a working diversion structure at each access point on the river, but once water leaves the river itself, distribution is at the discretion of each organization, and that the degree of control varies widely.

5. Mr. Joe Corlett, a real estate appraiser, spoke on the subject of the impact of gravel excavation pits upon the value of neighboring residential real estate. He presented a report analyzing sales of residential properties in an area of characteristics similar to the site in question. He also pointed out instances of similar past excavations which have occurred in the vicinity of the site under consideration. His findings were that the presence of a gravel extraction pit did not adversely impact the value of adjacent properties.
6. Mr. Karl Gebhardt, a professional engineer and hydrologist, spoke in regard to the impacts of gravel excavation on local surface and groundwater conditions in the vicinity of the site. He stated that although localized draw-downs of groundwater levels were possible, computer modelling of local conditions, the proximity of the Boise River, and the small scale of the proposed project led him to the professional opinion that any adverse impacts caused by this project would be minimal. He further stated that the presence of the finished ponds could greatly enhance groundwater quality and local riparian environment by increasing the amount of wetlands and wildlife habitat in the area. Mr. Bastida asked if any groundwater draw-down caused by the pit would cause any neighboring water wells to go dry. Mr. Gebhardt responded that this would be a function of well depth and proximity to the pit itself, but that the spatial separation of existing wells from the site would lead him to conclude that this instance would be unlikely.
7. Cameron McGough, a professional transportation planner, spoke of the traffic impacts of this activity on North Linder Road. He stated that North Linder Road was classified as a major rural collector street, with a capacity of 11,000 vehicles per day. Current traffic was approximately 3,600 vehicles per day, or 33 % of capacity. This is expected to decrease to 2,800 vehicles per day by the year 2010. Based upon a 4-year lifespan of the excavation activity, the traffic impact of this use would amount to 5 vehicle round-trips per day. This would have no adverse consequence on traffic conditions present on North Linder Road.
8. Mr. Richard Standerfer, owner of an area construction company engaged in gravel excavation, spoke regarding the details of gravel excavation activities and its impact on the area immediately surrounding the site in question. He stated that his equipment is capable of hauling in excess of 20 cubic yards per vehicle. He also stated that the volume of gravel at issue in this particular application would be considered in his profession to be a very small quantity, and in reality this would be considered a temporary use. He further stated that the gravel in question was very high quality, that there did exist a definite need for this material in northern Ada County, and that this gravel would be readily absorbed by local construction activity. Haulage traffic for this activity would probably be on the order of 20 to 30 trips per day, which would not adversely impact North Linder Road. Mr. Bastida inquired into the operation of a portable crusher located intermittently on the site. Mr. Standerfer replied that when

considering the volume of material at issue, a portable crusher could process the entire gravel deposit in one or two 30-day crushing sessions. Mr. Bisterfeldt asked concerning the schedule of operation for gravel crushing equipment and material haulage. Mr. Runft interjected and informed the Board of the pertinent items in the Conditions of Approval which specifically addressed those issues. Mr. Standerfer repeated his professional opinion that this stated condition was sufficient to successfully process all recoverable material. Mr. Bastida then asked whether after this particular project is finished if the appellant would seek to expand the site of the gravel pit. Mr. Shrewsberry stated that Item 12 of the Conditions of Approval specifically prohibited this occurrence.

9. Mr. Fred Lotridge, operator of a local road construction company, spoke regarding the crushing operation. He sought to reassure the Board that the volume of gravel at issue in this application could be crushed and utilized within a six-month period. He addressed the several environmental issues involved with gravel crushing. Mr. Lotridge stated that berming up of overburden was one method of mitigating excess noise pollution. The overburden would then be used in the reclamation of the site. Dust suppression would be accomplished through the liberal use of water during the various stages of the process, and would actually be assisted by the naturally damp condition of the gravel in this deposit. He testified to the fact that this type of operation is stringently regulated by various state and federal agencies, and that they were obligated to adhere to rigorous pollution control requirements. One alternative method of dust control would be the paving of access roads. Normally, a gravel operator would seek a 20 to 30 year source of material, and that this application is a lot of effort for a small site. In Mr. Lotridge's opinion, the appellant's intent was solely agricultural in nature.
10. Mr. Runft reentered the discussion by calling the attention of the Board to the written testimony of Mr. Sherl Chapman, an expert in the field of water rights and use. His last paragraph was an endorsement of the appellant's solution to water use problems as they currently exist among users of the Harton-Davis Ditch Company.
11. Mr. J. B. Smith, a former neighboring property owner, spoke in favor of the appeal.
12. Mrs. Lorna Hibbard, secretary-treasurer of the Harton-Davis Ditch Company, spoke in opposition of the appeal, citing increased noise and confusion which would result from this use. She questioned the validity of the appellant's desire to provide additional irrigation water for his property. She related the appellant's lack of participation in the function of the Company. She also stated that a small pond and well are already located on the site without any permits. She stated that the productivity of the appellant's land was totally dependent upon the amount of effort put into the provision of water to the property, and that the Harton-Davis Ditch Ditch was capable of providing the required quantity of water. Mr. Bisterfeldt asked if the construction of the proposed pond would improve the delivery of water to the appellant's property. She stated yes, but conditioned that response by stating that the proper management of the ditch itself would accomplish the same result. Mr. Bisterfeldt inquired further into water management practices on the canal. Mrs. Hibbard responded that frequently the influx of artesian water sources along the canal has actually increased the amount of water flowing through the system. A final question addressed Mrs. Hibbard's opinion regarding this appeal given the extent of information given by the appellant. She stated that she had become more favorably disposed to the proposal, but stated that the presence of extensive gravel deposits on Eagle Island could prompt any property owner in the area to make a similar request for gravel extraction if the price were right.
13. William Rohde, a neighboring property owner, spoke in opposition to the appeal. He offered an alternative irrigation plan for the appellant's property based upon pumping water from the Middle Channel of the Boise River and use of sprinklers. He also stated that he never experienced any

problems with the operation of the Harton-Davis Ditch in his 23 years of residency on his property. He stated that he had worked in gravel pits in the past, and said that traffic predictions presented by the appellant were subject to unexpected changes in demand. He pointed out that the appellant did not address the proper disposal of water pumped from the pit while it would be excavated. He asked that the Board consider the balance between the benefit to the appellant opposed to adverse impact on Eagle Island and its residents.

14. Mr. Larry Landine, representing Mr. Larry Barnes, a neighboring property owner, appeared to express Mr. Barnes' opposition to the proposal due to environmental and economic reasons.
15. Mr. Tim Johnson, a neighboring property owner, spoke in opposition to the appeal. He stated that his primary concern involved the treatment of wastewater pumped from the pit while it would be in operation. He asked for assurance that this would not cause degradation in the local environment along the Boise River. He did state that previous testimony had answered his questions regarding traffic conditions along North Linder Road. He also asked for more definite information on landscape and reclamation of the site after the operation ceases.
16. Mrs. Jeannie Baughman, a neighboring property owner, spoke in opposition to the appeal. She stated that her family has been subjected to constant disruption due to road construction on North Linder Road, and that the appellant's proposal would only exacerbate this situation. She stated that the "Eagle Horizons" Task Force recommended that the City of Eagle not approve new sand and gravel pits along the Boise River in order to preserve the environment and physical amenities along the Boise River. Although the site in question was outside the Eagle Area of City Impact, its proximity should make this request subject to the position of the City of Eagle.
17. Ms. Mary Gregg, a neighboring property owner, spoke in opposition to the appeal. She stated that she works nights and she could face disruption of her sleep. She also viewed the appellant's property as an attractive nuisance, and asked about precautions against trespass by persons swimming in the finished pond. She also expressed concern regarding the character of increased traffic on North Linder Road.
18. Mr. Glen Sawyer, president of the Harton-Davis Ditch Company and a neighboring property owner, spoke in opposition to the appeal. He stated his opinion that the appellant was manipulating the Ditch Company in order to construct a gravel pit. He stated that the original owner of the property in question was able to farm with water supplied by the Harton-Davis Ditch. He also stated that the appellant did not participate in the maintenance and operation of the ditch, even though he owned almost 1/3 of the shares of water. It was his opinion that the presence of a gravel pit on Eagle Island would create detrimental noise and air pollution effects.
19. Mr. Bruce Healey, a neighboring property owner, spoke in opposition to the appeal. He stated that his house would be within one city-block of the proposed pit site. He expressed concern about further degradation of the groundwater table under his property. He asked who would enforce the conditions of approval if the appeal did succeed. Mr. Bisterfeldt asked if a gravel pit was currently being operated on the site. Mr. Shrewsberry replied that activity on the site involved both Ada County Highway District's removal of the North Linder Road construction stockpile and the appellant's gratis provision of gravel from a previous excavation to a private third party in order to assist in a residential construction project. Mr. Healey then asked the difference between the sale and the uncompensated removal of gravel from a pit. Mr. Shrewsberry replied that given the agricultural use proposed by the appellant, the Zoning Ordinance lacked any enforcement power to prohibit his excavation of the ponds themselves. The true issue was the commercial nature of the activity and the location of a portable rock crusher on the site. Mr. Healey then asked the purpose of this hearing if this was the case. Mr. Bisterfeldt clarified that if the gravel stockpile stayed on the appellant's property as an ag-

gricultural use then government intrusion would be unwelcome and unwarranted. However; once the gravel is proposed to be processed by a rock crusher and transported off-site, then regulation is appropriate and desirable.

20. Yvonne Campbell, owner/operator of a neighboring mobile home park, spoke in opposition of the appeal. She emphasized the human impact of the proposed activity on residents of Eagle Island. She questioned the agricultural purpose of the proposal, and spoke about inconsistencies in the previous expert testimony. She also asked how the appellant could be prohibited from expanding this use throughout his property. She stated her personal observation that the Harton-Davis Ditch has not been disrupted in its flow to all properties on the canal, and that many property owners use other sources of water for their use. She asked if improvements to North Linder Road were definitely scheduled for the near future. She stated that her mobile home park property would face a definite loss in rental income if the gravel pit was allowed to proceed due to loss of tenants. She stated that the downwind location of her property would mean increased dust and increased health problems for her tenants who currently suffer from respiratory diseases. Mr. Bisterfeldt referred to the conditions of approval to inform Mrs. Campbell that there would be no expansion of this use on the appellant's property.
21. Robert Tannehill, a neighboring property owner, spoke in opposition to the appeal. He stated that the proposed rock crusher would be located adjacent to the riparian wildlife habitat of the Boise River, and expressed concern about the local ecology.
22. Mrs. Jill Devereaux, a neighboring property owner, spoke in opposition to the appeal. She expressed her concern for the value of her property. She stated her opinion that the level terrain of the appellant's property should make alternatives to the proposed pond possible. She suggested an expansion of the circular sprinkler system onto the north portion of the appellant's land. Damage to wildlife habitat and ground-water table was also addressed by the speaker.
23. In rebuttal, Mr. Runft introduced two additional witnesses:
24. Ms. Jean Jensen, a concerned citizen, spoke in favor of the application. She identified herself as being the fiancée of the appellant, and presented her perceptions of the purpose for the proposal. She expressed her opinion that the subject property was very dependent upon a reliable irrigation source in order to become agriculturally productive, and become a family farm. She further stated that a prospective tenant farmer refused to farm the property in question after he understood the extent of the water problems on the site. She said a house for her family was currently under design, and that it would be located close to the pond site. Commissioner Glenn inquired as to the time-frame for this construction. Ms. Jensen answered as soon as it was economically possible.
25. Mr. Aaron Jensen, a concerned citizen spoke in favor of the application. He stated that he had worked extensively on the site as a farm worker, and that he could attest to the difficulties he and a co-worker encountered in providing and controlling adequate irrigation to the site in question. It was his opinion that neighboring property owners had grown accustomed to the absence of serious farming activity on the site in question, and that they could not comprehend the true extent of the appellant's need for reliable access to the Harton-Davis ditch. He endorsed the proposal as a good solution for the storage and use of irrigation water for the farm site.
26. Mr. Sali stated in rebuttal that he was aware of water problems on the site. He also said that he had communicated extensively with neighbors regarding this proposal. Water discharge problems have been addressed and this aspect of the gravel pit operation was approved by the Idaho Department of Environmental Quality. He stated that his use of expert witnesses was solely to present the objective truth regarding this proposal. The site would be adequately fenced in order to prevent the site from becoming accessible as an attractive nuisance. Commissioner Glenn asked how deep

the pond would be. Mr. Sali responded 25 to 30 feet deep. Traffic impact would be negligible. He pointed out that the number of properties taking water from the Harton-Davis Ditch has steadily increased as the land has been extensively subdivided. Commissioner Bisterfeldt asked for clarification of his water discharge plan. Mr. Sali showed the location of the drainage ditch and settling pond intended for that use.

27. Mr. Runft stated that the proposal met the intent of the Ada County Comprehensive Plan.
28. Mrs. Campbell, Mr. Rodhe, Mrs. Devereaux, and Mr. Tannehill made opposing statements in closing.

BOARD ACTION

Upon conclusion of the public testimony, the Board voted to table application # 92-09-A until September 17, 1992, to consider the evidence and testimony presented, to render their decision, and to prepare findings of fact and conclusions of law.

APPLICABLE LAW

§ 8-18-1 "Appeals," states:

- "A. Right of Appeal: any order, requirement, decision, or determination of the Commission made in the administration or enforcement of this Title, may be appealed to the Board by any affected person, as that term is defined by § 67-6521 of the Idaho Code...
- E. Action by Board
 2. In all other cases where there is a conflict between the respective property owners, then the Board shall, upon receipt of notice of appeal, set the matter for hearing and give notice of the date, time place, and purpose thereof to the appellant, to the Commission, and to any other affected party, as defined in § 67-6521 of the Idaho Code ...
- F. Authority of the Board of County Commissioners: Upon hearing the appeal, the Board shall consider the record and such additional evidence as may be offered and may reverse, affirm, or modify, in whole or in part, the...decision...appealed from, or make or substitute any additional conditions which in its deliberation it may find warranted under the provisions of this Title..."

FINDINGS OF FACT

If any of these findings of fact are deemed to be conclusions of law, they are incorporated into the Conclusions of Law section.

1. The site is located on the west side of North Linder Road south of the Boise River bridge, in Section 14, T. 4N. R. 1W.
2. The site is zoned RR Rural Residential Zoning District, and is currently used for low-intensity agricultural use.
3. The gravel pit site is a 6-acre tract located in the northeast corner of a parent 172.0-acre lot.
4. North Linder Road is classified as a major rural collector street by the Year-2000 Functional Street Classification System Map - Rural Area.
5. Ada Planning Association, the transportation planning agency for the Boise metropolitan area, estimates traffic volume on North Linder Road at 3,600 vehicles per day, or 33 % of capacity.
6. The completion of the appellant's proposed project would result in the construction of an irrigation water retention pond, and would accomplish a legitimate agricultural use.

7. There exists stringent federal and state regulation of the machinery, processes, and by-products to ensure the proper operation of gravel extraction pits of the type proposed by the appellant.
8. The appellant has stated agreement with the provisions of the Conditions of Approval imposed on this application as an attempt to mitigate adverse impacts on surrounding properties through the placement of limits of operation of the proposed gravel pit.
9. The appellant has received approval of the site reclamation plan by the Idaho Department of Lands.

CONCLUSIONS OF LAW

If any of these conclusions of law are deemed to be findings of fact, they are incorporated into the Findings of Fact section.

1. The Board concludes that the proposed site's location within the Broadway Terrace mineral deposit zone, which has been identified having the highest quality gravel deposits in Ada County, satisfies § 13-3-3.j, "Sand and Gravel" of the Ada County Comprehensive Plan.
2. The Board concludes that the location of this pit is in an established agricultural use area, and that the thrust of this proposal, the construction of an irrigation water retention pond, is a legitimate agricultural use. It is not directly affected by the presence of the Boise River and its attendant flood-way along the north portion of the site.
3. The Board concludes that the location of the proposed pit satisfies § 13-3-3.a, "Sand and Gravel" of the Ada County Comprehensive Plan by avoiding the degradation a great deal of prime agricultural land on the appellant's property.
4. The Board concludes that the small size of the proposed pit site, short span of time contemplated in accomplishing the volume of approved excavation, and the spatial separation present between the site in question and surrounding residential properties and uses satisfies § 13-3-3.b, "Sand and Gravel" of the Ada County Comprehensive Plan by adequately avoiding unreasonable impacts on surrounding uses from noise, transportation, dust, and odors generated by this activity.
5. The Board concludes that North Linder Road is a major street capable of accommodating any increased traffic generated by this use. The Board further concludes that the direct impact of haulage traffic on residential neighborhoods would be minimal. This satisfies § 13-3-3.d and i, "Sand and Gravel" of the Ada County Comprehensive Plan.
6. The Board concludes that the appellant has presented sufficient evidence to prove that the granting of a conditional use permit for the proposed activity would not cause damage, hazard, or nuisance or other detriment to persons, property, or uses in the vicinity of the site in question.
7. The Board recognizes the fact that rules and regulations of the State of Idaho and the United States regarding the proper performance of the various excavation and materials processing operations involved with the proposed commercial use of this site would govern the operation of this activity, and concludes that it is in the best interest of the public health, safety, and welfare that this use be subject to all applicable regulation in order to assure to the greatest extent possible the safe operation of the site in question.
8. The Board concludes that the appellant has diligently sought the approval of the development plan for this site by all applicable state and federal regulatory agencies.
9. The Board concludes that the Conditions of Approval listed in Exhibit A satisfies § 8-15-2.C (2) "Conditional Use Permits," of the Ada County Code, and are sufficient to simultaneously achieve the prompt and economical excavation of the site's gravel resource while mitigating undue ad-

DEC 12 1993

verse impacts upon surrounding properties and uses.

10. The Board therefore concludes that this use does satisfy § 8-15-1.C (1), "Approval Procedures," of the Ada County Code, and does decide to reverse the July 16, 1992, decision of the Ada County Planning and Zoning Commission to deny the issuance of a conditional use permit for the location of a gravel excavation pit with on-site portable rock crusher on the site in question.

ORDER

Based on the Findings of Fact and Conclusions of Law reviewed above, The Board hereby reverses the decision of the Ada County Planning and Zoning Commission and approves this request for a conditional use permit petitioned by Mr. Ron Sali, as documented in File # 92-09-A. This approval is subject to the conditions of approval listed in Exhibit A.

APPROVED THIS 21 DAY OF September, 1992.

BOARD OF COUNTY COMMISSIONERS

John Bastida
John Bastida, Chairman

ABSENT

Gary Glenn, Commissioner

Vernon L. Bisterfeldt
Vernon L. Bisterfeldt, Commissioner

ATTEST:

J. David Navarro, Jr.
J. David Navarro, Ada County Clerk
Steven M. Ishibayashi, Chief Deputy

EXHIBIT A

CONDITIONS OF APPROVAL

1. The project shall comply with the design and dimensional standards and permitted uses in the RR Rural Residential Zoning District.
2. The applicant shall obtain a zoning certificate and conditional use permit from Ada County Development Services Department prior to the commencement of any commercial gravel excavation, processing, or transportation.
3. Prior to the issuance of a conditional use permit for this development, the applicant shall submit to Development Services Department staff written notification of approval of the development site plan from the following agencies:

- A. Ada County Engineer (drainage and approaches); and
- B. Ada County Highway District.

This notification may be either written or stamped on a copy of the approved site plan for this development, or may be written on agency letterhead stationery referring to this specific application.

4. The applicant shall comply with all applicable requirements of the Ada County Building Division.
5. No access to the site shall be allowed other than onto North Linder Road at a location approved by Ada County Highway District.
6. Prior to the issuance of a conditional use permit, the applicant shall:
 - A. Submit additional information to Development Services Department staff so as to satisfy the requirements of § 8-15-3.1 of the Ada County Code regarding the operation of gravel extraction pits. these include:
 - b. The method and disposal of drainage;
 - c. The approximate location of major buildings, processing plants, loading areas, parking areas, and protective fencing;
 - h. Submit a statement setting forth the applicant's proposed method of rehabilitation of suspended or depleted excavation if such rehabilitation is proposed; and
 - i. If the operation includes rock crushers...they shall be operated in conjunction with gravel, sand, or clay pits and/or rock quarries, and a reclamation plan shall be submitted.
 - B. Provide verification of State of Idaho Department of Lands approval of this site's reclamation plan to Development Services Department.
7. The portable rock crusher shall be limited in operation to two (2) thirty (30) day terms per calendar year. A minimum sixty (60) day period must elapse between crushing sessions. Set-up time for the equipment shall not be factored into the operating sessions. Daily operation of the rock crusher shall be limited to between 7:30 AM and sunset or 6:00 PM, whichever is earlier. Crushing operations shall terminate December 31, 1994. Rock crushing equipment shall not be allowed on the site after that date.
8. On-site excavation work performed in conjunction with the rock crushing activity shall be performed between the hours of 7:30 AM and sunset or 6:00 PM, whichever is earlier, Monday through Friday. Weekend operation of excavation equipment is prohibited.
9. Transportation of the finished product from the site shall be subject to the following limitations:

Ron Sali
92-09-A / 92-31-CU
September 17, 1992

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- A. Daily hours of operation shall be 8:00 AM to 5:00 PM.
 - B. No transportation of gravel products shall be allowed after 5:00 PM.
 - C. No transloading or transport operations shall be conducted on the site on Sundays.
- 10. There shall be no parking of any vehicles associated with this operation within the right-of-way of North Linder Road.
 - 11. All processed gravel stockpiles shall be located outside the floodway in accordance with § 8-8B-7.7, "FF Flood Fringe District," of the Ada County Code.
 - 12. There shall be no expansion of this use on this site, further identified by Tax Parcel #'s S 0414131210 and S 0414438700.

RECEIVED

[illegible]

See File 63-11934 for
diagram, photos +
documentation (Maps etc.)

Photo of Diversion and System Attached

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
8" Arterian					

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

2. **Measurements:** _____

REMARKS
63-11934 & 63-11273

A 15 HP pump lifts water from a pond to a ditch system for irrigation of 137.3 acres. The pond is supplied water from three sources: Hart-Davis Ditch, artesian well, and natural seepage water which is hydraulically connected to the Boise River. The pond helps minimize available water fluctuations, thus providing a more reliable irrigation system.

Two ponds were found at the time of the field exam, however only one was being utilized. The north pond was not being beneficially used. No water was being injected into the pond and no water could be taken out. The water that the pond contained was Boise River seep water. The north pond is the result of gravel excavation and is not physically connected to the south pond. Recommendations have been solely based on the south pond.

The total volume of the south pond is 60 af (325' X 320' X 25'). The available volume from the existing system is 22 af because the pump intake setting only allows for 9.5' drawdown in the total pool. I recommend 20 af as listed on permit 63-11934.

The 8" artesian well was not and usually does not discharge a full pipe, which made a polysonic measurement not possible. Fortunately, Chuck Davis made a orifice measurement at the time the well was drilled 5/31/1991. He measured the flow at 450 GPM (see enclosed documentation). Steve Lester decided this measurement was sufficient. I recommend 1.0 cfs for permit 63-11273.

137.3 acres can be irrigated with the system. The exact acreage was calculated with the use of a radar acre counter by Landview Fertilizer Company in 1995. The CFSA 1987 map shows 135.2 acres irrigated, however it was planimetered prior to the pond developments and prior to an additional development of ~12 acres of wetland area. I recommend 137.3 acres irrigation for both permits.

Documentation was submitted for the 1996 irrigation season and appears to satisfy the conditions (i.e. No. 5 & 6) of the final order. The permit holder provided calculations based on Idaho Power records for the sump pump and personal log records for the artesian well. The information was based on 1200 gpm capacity for the sump pump, which coincides with the pump curve and 450 gpm capacity for the artesian well, which coincides with the driller's measurement. If the calculations are questioned in the future, a totalizing flowmeter may be necessary for the artesian well.

Overlaps consist of 63-00134/A63-00134A & 63-00187/A63-00187 A which represent the permit holders 146 shares of stock in the Hart Davis Ditch Company. Statutory claim No. 63-05173 also overlaps a portion of the property but was not claimed in the SRBA. No other water rights are used.

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 137.3 \times 4.5 = 617.9$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1 \times 246 \times 1.9835 = 487.9 *$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 487.9$$

2. Volume Calculations for Other Uses:

* acceptable since used as supplemental source to surface water

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Irrigation</u>	<u>3/15</u>	<u>11/15</u>	<u>1.0</u>	<u>487.9</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>1.0</u>	<u>487.9</u>

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 _____ Date _____

Reviewer _____ Date _____

SEAL

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no text or other markings on the paper.

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

63-11273

Computer updated
4/24/90

As soon as you know your new address, mail this card to all of the people, businesses, and publications who send you mail.

For publications, tape an old address label over name and old address sections and complete new address.

Your Name (Print or type. Last name, first name, middle initial.) Ron Sili, Ron Sili Profit Sharing Plan;					
Old Address	No. & Street 1020 Main	Apt./Suite No. 420	PO Box	RR No.	Rural Box No.
	City Boise	State ID	ZIP + 4 83702-1111		
New Address	No. & Street P.O. Box 482	Apt./Suite No.	PO Box	RR No.	Rural Box No.
	City Boise	State ID	ZIP + 4 83701-1111		
Sign Here <i>Ron Sili</i>		Date new address in effect 7/1/94		Keyline No. (If any)	

PS Form 3576, November 1990

RECEIVER: Be sure to record the above new address.

Form 211
2/80
RECEIVED
AUG 19 1993
No Fee Recd
Department of Water Resources
Western Regional Office

STATE OF IDAHO

Ident. No. _____

APPLICATION FOR AMENDMENT OF A PERMIT **DENIED** 11/3/93

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

Comes now RON SALI Phone 343-5042
of (address) 1020 MAIN ST, SUITE 420, BOISE 83702, and represents to the
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. 63-11273, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE ^{(412) 2pts} 1/4 NE 1/4, Section 14, Township 4N, Range 1W, B.M.,
County of ADA. Other points of diversion: NENWSE, 410,
Sec 14, T4N, R1W

2. Period and nature of use: (Irrigation, domestic, stockwatering, industrial, etc.) N/C
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated: N/C

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
04N	01W	14									X								

Total number of acres to be irrigated = 174

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: _____

NOT RECORDED
DEC 02 1993

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

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



X

[Signature]

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by ly Fee = \$20.00

W015274
Received by LH Date 8/20/92

Publication prepared by SL Date 8/26/92

Published in Idaho Statesman

Publication dates 9/3 + 9/10/1992

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. KEITH HIGGINSON, of the Department of Water Resources hereby deny the above referenced application for permit.

Witness my hand this 3RD day of November, 19 93.

[Signature]
Director

RECORDED
DEC 02 1993



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 3, 1993

Re: In the matter of application for amendment of permit no. 63-11273 and application for permit no. 63-11934 in the anme of Ron Sali

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

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

(a) the petition for reconsideration is disposed of; or

(b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

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(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. Glen Saxton
Chief, Water Allocation Bureau

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DEC 02 1993



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

September 16, 1993

Re: In the matter of Application for Amendment of Permit No. 63-11273 and Application for Permit No. 63-11934 in the name of Ron Sali

Dear Interested Party:

The accompanying order is a "recommended order" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

ORAL ARGUMENT

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The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,



L. Glen Saxton
Chief, Water Allocation Bureau

Enclosures

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AUG 30 1993

Department of Water Resources

Att. L. Glen Saxton;
Chief Water Allocation Bureau.

Dear Sir:

I have marked on Mr. Sal's chart three areas historically watered by Hart-Davis ditch, totaling at least 100 acres.

There was no water shortage problem when the ranch was larger.

at present, two trailer courts watered by Hart-Davis ditch use no water approx 30 acres

Thirty acres north & west of the trailer courts use no water.

There is approx. 100 acres historically watered by the former prison farm are no longer watered by Hart-Davis.

Mr. Sal requested water early this season & a head of water was provided. He could not use it all, so the head was cut in half. That proved to be too much, so the head of water was cut to to the of the original amount.

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DEC 02 1993

Historically, ditch maintenance is do by the share holders in the Hart-Davis Ditch Co.

(over)

To the present time, Mr.
Lali has been conspicuous by
his absence.

This year major maintenance
was done by slave holders in
one day.

I hope this letter is of some
help to you.

Sincerely,
Ernest Rogers
Seco, Hart Davis Ditch.

REPRODUCED
FILMED

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AUG. 24-93

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AUG 27 1993
Department of Water Resources

Protested Application 63-11273 + Protested
Application permit # 63-11394 in the name
of Ron Sali

There is NO WAY TO JUSTIFY his getting
a permit to pump down our water
table!

Mr. Sali has add a well that produces
450 GAl. per min., pumps out of
The middle channel on 60 acres. That
was historically all irrigated from
the Hart-Davis Ditch, of which he
states can't get water delivery, a
untruth. The irig. season of 93
he has been pumping the sub
water down without a permit.
Complaints went to your office
with no action taken!
This makes watering our lands
hard to get water over, we
have been the losers.

Bruce Healy
400 S. Linden Rd
Eagle ID 83616
939-8318

DEC 02 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 19, 1993

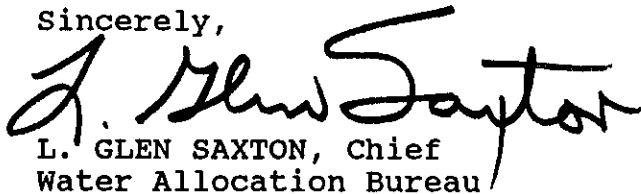
RE: PROTESTED APPLICATION FOR PERMIT NO. 63-11273 AND PROTESTED
APPLICATION FOR AMENDMENT OF PERMIT NO. 63-11394 IN THE NAME
OF RON SALI

Dear Protestant:

On August 16, 1993, the applicant submitted information to me which I requested at the water right hearing held on July 8, 1993. I understand that the applicant also sent a copy of the same information to you as I also requested at the hearing.

If you have comment or objection to the information provided by the applicant as a part of the hearing record, please provide your comment and/or objection to me and to the applicant by Friday, August 27, 1993. After considering any such information the department will issue a recommended order which we will mail to the parties.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

c: Bruce M. Smith

MICROFILMED

DEC 02 1993

RECEIVED

AUG 16 1993

Department of Water Resources

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

KOSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

Boise Office
1221 W. IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

JOHN A. KOSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
THOMAS J. RYAN
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN K. SIMPSON
VINCE T. GULLETTE
PATRICK D. MADIGAN
PAUL W. SAMUELSON

August 13, 1993

Mr. Glenn Saxton
Department of Water Resources
1301 North Orchard
Boise, ID 83706

RE: Application for Permit 63-11273
Application for Amendment of Permit 63-11394
(Ron Sali)

Dear Mr. Saxton:

Attached is a map and letter from Mr. Sali with the information you requested in our phone conversation of July 27, 1993.

Sincerely,


Bruce M. Smith/dj

BMS/dj

RECEIVED

DEC 02 1993



August 10, 1993

Bruce Smith
Rosholt, Robertson & Tucker
P O Box 2139
Boise, ID 83701-2139

Dear Bruce:

Enclosed is the map you requested showing the wetted acres before and after the ponds are constructed.

For the entire property the only change in wetted acres is to the northwest corner where the ponds are being excavated. As shown in the photos that I presented at the hearing, there was a gravel bar approximately 200' X 300' in size in the extreme northwest corner of the property. This area will be converted to a pond. This is the only additional wetted area increase.

The second pond as the pictures will indicate, is replacing irrigated pasture.

The enclosed map also shows approximately six acres in the center of the property where the coral and buildings are located.

I now have under irrigation all of the same acreage that historically has been under cultivation. The only exception is when the previous owners retired and leased the property to a third party. This party, because of water delivery problems, cultivated the best fields and used other fields as irrigated pasture. However, all the fields I have identified as irrigated were irrigated for crops, primarily corn, or irrigated pasture.

I hope this clarifies the issue, if I can be of any further assistance please don't hesitate to call.

Best regards,



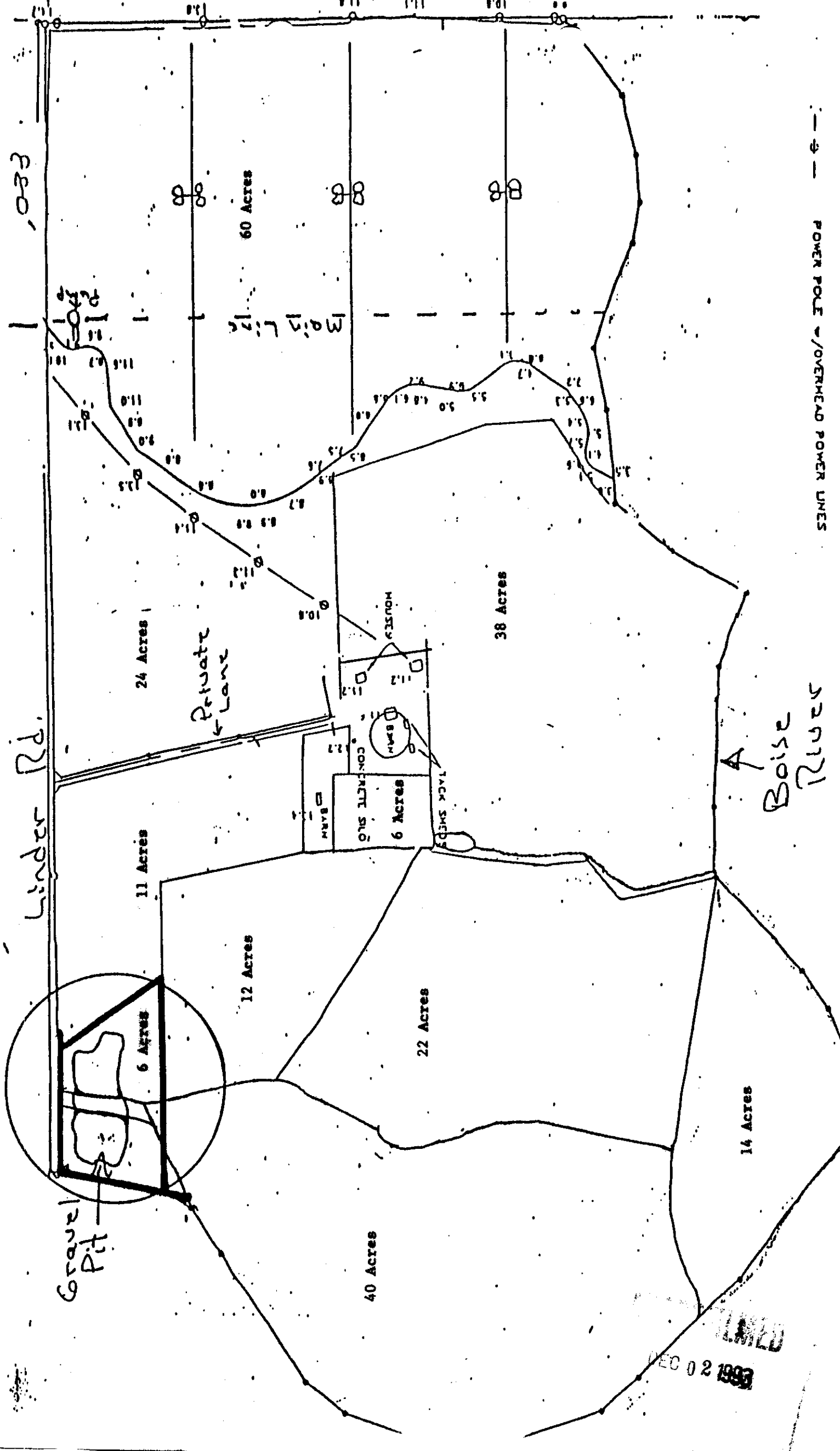
Ron Sali

RS.sz

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DEC 02 1993

POWER POLE / OVERHEAD POWER LINES



DEC 02 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 12, 1993

Bruce M. Smith
Rosholt, Robertson & Tucker
1221 W. Idaho, Suite 600
P.O. Box 2139
Boise, ID 83701-2139

RE: PROTESTED APPLICATION FOR PERMIT NO. 63-11273 AND PROTESTED
APPLICATION FOR AMENDMENT OF PERMIT NO. 63-11394 IN THE NAME
OF RON SALI

Dear Mr. Smith:

On July 9, 1993, I conducted a water right hearing in connection with the above referenced matter. At the conclusion of the hearing I asked you to provide me with an analysis of wetted acres both before and after the land leveling and improvement activity of Mr. Sali. I also asked that you provide the analysis to the other parties.

On July 21, 1993, you sent a letter to me which stated a number of acres before and after the land improvement activity. The letter did not provide any analysis. On July 27, 1993, I contacted your office and advised that the information provided in your letter was not sufficient and that you had not provided the letter to the other parties.

To date, I have not received the requested information. Please expedite this matter in order that the protested matter can be concluded in a timely fashion.

If you have procedural questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: Ron Sali
Earnest Rogers
Bruce Healy
Lorna Hibbard
Robert Marshall
Robert Tannehill

RECEIVED

DEC 02 1993

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
THOMAS J. RYAN
GARY L. QUIGLEY
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PAUL W. SAMUELSON

Boise Office
1221 W. IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
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FAX (208) 344-6034

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

RECEIVED

JUL 22 1993

Department of Water Resources

July 21, 1993

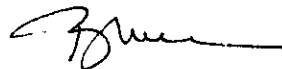
Mr. Glenn Saxton
Department of Water Resources
1301 North Orchard
Boise, ID 83706

RE: Application for Permit 63-11273
Application for Amendment of Permit 63-11394
(Ron Sali)

Dear Mr. Saxton:

At the hearing on July 9, 1993, you requested additional information regarding irrigated acres on the Ron Sali property. Pre-proposal acres irrigated would total 233.6 acres; post-proposal there would be 234.6 acres. The increase of one irrigated (wetted) acre results from the excavation of the small pond. This acre was a gravel bar that was not wetted prior to excavation. Also, enclosed is a billing statement from Idaho Power Company that indicates when the pump was first used. If you need additional information, please let me know.

Sincerely,



Bruce M. Smith

BMS/dj

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DEC 02 1993



PLEASE BRING ENTIRE BILL WHEN PAYING IN PERSON
FOR ACCOUNT INQUIRIES CALL OR CONTACT YOUR LOCAL OFFICE AT
888-4491 130 E IDAH MERIDIAN

CUSTOMER IDENTIFICATION									
CUSTOMER NAME RON J SALI					SERVICE LOCATION 3815 14T4NR1W0015				
CUSTOMER NUMBER 0333-019804-0					TYPE OF SERVICE IRRIGATION				
ACCOUNT INFORMATION AS OF MAY 01, 1992									
BALANCE FORWARD ▶									
METER NUMBER OR NUMBER OF LAMPS	R A T	SERVICE FROM TO		D A Y	METER READING PREVIOUS PRESENT		METER CONSTANT	BILLING DEMAND	BILLING ENERGY KILOWATT HOURS
90166011G24	407	429	220	000000	1486	1	8	1486	5077
**** ACCOUNT ACTIVITY SINCE LAST BILLING ****									
.00 TOTAL PAYMENTS RECEIVED									
ACCOUNT BALANCE									5077

pd #3598
5-6-92
\$50.77

COMPARE YOUR AVERAGE DAILY USE WITH LAST YEAR			
DAYS	BILLING PERIOD	KWH BILLED	KWH PER DAY
	THIS MONTH THIS YEAR		
	THIS MONTH LAST YEAR		

LEVEL PAY AMOUNT

PLEASE PAY THIS AMOUNT
50.77

PLEASE ADD \$1, \$5 OR \$10 TO AID PROJECT SHARE'S ASSISTANCE PLAN



RO- REGULAR READING
CR- CREDIT

1- CUSTOMER READING
AV- AVERAGE

2 OR 3- ESTIMATED READING
MN- MINIMUM

SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

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DEC 02 1993

Hearing information / exhibits /
maps and photos filmed here!

RECEIVED

JUN 29 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES

Department of Water Resources

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-11934 AND)
APPLICATION FOR AMENDMENT OF)
PERMIT NO. 63-11273 IN THE NAME)
OF RON SALI)

NOTICE OF HEARING

On August 19, 1992, Ron Sali filed with the Department of Water Resources an application for amendment of permit no. 63-11273 and on September 29, 1992, he filed with the Department application for permit no. 63-11934. The applications were protested by the persons listed below and a conference was held on December 2, 1992.

The Department has now set the matter of protest for a hearing to be held at 10:00 a.m. on Thursday, July 8, 1993, in the Second Floor Conference Room, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706. 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 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.

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DEC 02 1993

Dated this 21st day of June, 1993.

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

I hereby certify that on the 24th day of June, 1993, 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, Office Coordinator

Certified Mail

✓RON SALI
1020 MAIN ST #420
BOISE ID 83702

✓ROBERT W TANNEHILL
1591 ARTESIAN RD
EAGLE ID 83616

BILL &/OR MARY RODE
1755 ARTESIAN RD
EAGLE ID 83616

RONALD &/OR ELAINE RIPPEY
1401 TROUT RD
EAGLE ID 83616

✓BRUCE HEALY
400 S LINDER RD
EAGLE ID 83616

KEVIN &/OR JILL DEVEREAUX
1320 LINDER RD
EAGLE ID 83616

ESTER MARSHALL
1624 ARTESIAN RD
EAGLE ID 83616

HEATHER &/OR GARY MINGUS
2077 TROUT RD
EAGLE ID 83616

✓EARNEST ROGERS
614 N 31ST
BOISE ID 83702

GLENN O SAWYER
1300 ARTESIAN RD
EAGLE ID 83616

✓LORNA HIBBARD
2256 N PAWNEE
BOISE ID 83704

STEVEN & YVONNE CAMPBELL
1200 ARTESIAN
EAGLE ID 83616

TAWNJA S ELISON
1200 ARTESIAN #41
EAGLE ID 83616

✓ROBERT MARSHALL
4633 HATCHERY RD
EAGLE ID 83616

✓BRUCE SMITH ESQ
1221 W IDAHO ST
BOISE ID 83702

NOT RECORDED
DEC 02 1993

CONFERENCE AND HEARING PROCEDURE

FOR A PROTESTED APPLICATION FOR AMENDMENT OF A PERMIT

In accordance with IDAHO CODE, Section 42-211, the following issues are involved in the consideration of the application for amendment and protest(s):

- 1) Will approval of the amendment result in the diversion and use of more water than originally permitted?
- 2) Will the rights of others be adversely affected by this proposal?

BURDEN OF PROOF

The Applicant has the initial burden of proof on both issues above, that is, the applicant has the burden of coming forward with evidence for evaluation of those criteria.

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 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.

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DEC 02 1993

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 to request oral argument before 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.

If you require special accommodations for a disability in order to participate in or attend the conference (hearing) (public meeting) please advise the department within ten (10) days prior to the conference, hearing or public meeting.

EXHIBITS

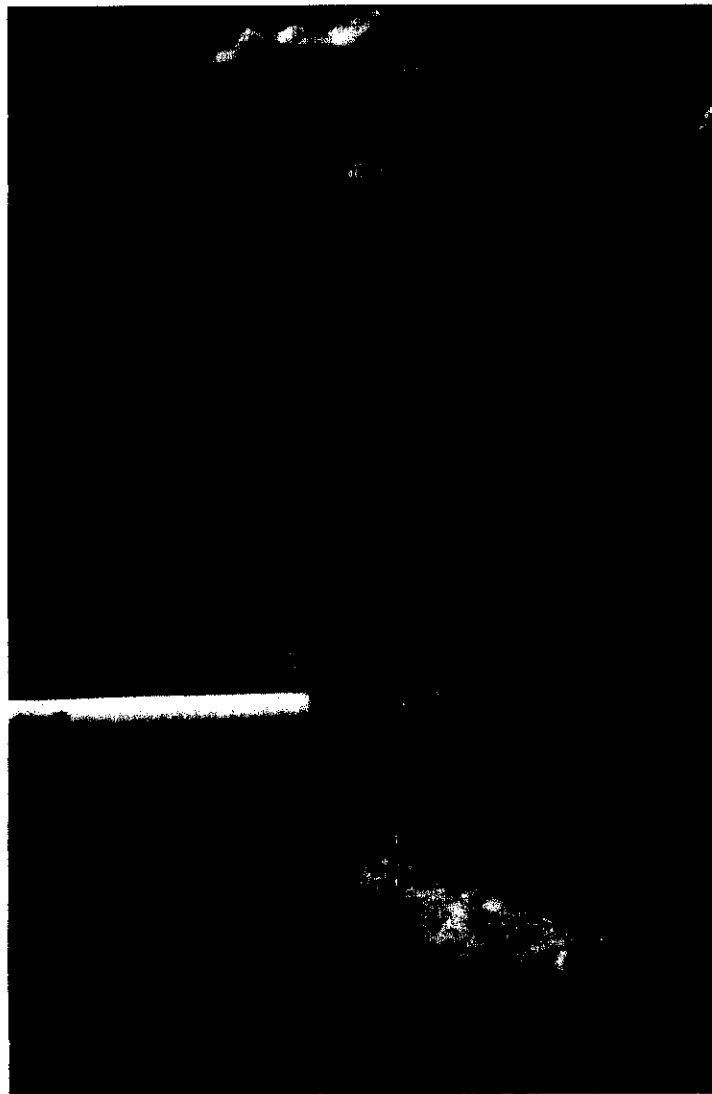
If any party at a hearing intends to present an exhibit to augment the hearing record, such party shall in advance of the hearing, prepare sufficient copies of the exhibit for distribution to all parties at the hearing.

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DEC 02 1991

Photo by D. Tuthill

4/20/1993

Pumpage from Pon Sali Gravel Pit
($\approx$ 3' drawdown in first 10 hours)



MICROFILMED
DEC 02 1993

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
THOMAS J. RYAN
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN K. SIMPSON
VINCE T. GULLETTE
PATRICK D. MADIGAN
PAUL W. SAMUELSON

Boise Office
1221 W. IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

Don
File

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

RECEIVED
MAY 28 1993

May 27, 1993

Department of Water Resources
Western Regional Office

David R. Tuthill, Jr.
Manager, Western Regional Office
Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Ron Sali Permit Application Hearing

Dear Dave:

This is confirmation of our conversation yesterday concerning vacation of the hearing date of June 4, 1993, in the above matter. The hearing has been tentatively rescheduled for July 8, 1993, subject to confirmation with Ron Sali. Thanks for your cooperation.

Sincerely,

Bruce Smith
Bruce M. Smith *dj*

BMS/dj

cc: Ron Sali

MICROFILMED

DEC 02 1993



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 20, 1992

RON SALI
1020 MAIN ST #420
BOISE ID 83702

RE: Application For Permit No. 63-11934 and Application For
Amendment of a Permit No. 63-11273

Dear Mr. Sali:

Enclosed with this Notice of Conference are copies of
protests we received in addition to those already sent to you.

If you have any questions please call this office.

Sincerely,

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

DRT:st

MICROFILMED

DEC 02 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
	)	
FOR AMENDMENT OF PERMIT NO.	)	NOTICE OF CONFERENCE
	)	
63-11273 AND APPLICATION FOR	)	
	)	
PERMIT NO. 63-11934 IN THE NAME	)	
	)	
<u>OF RON SALI</u>	)	

On August 20, 1992, Ron Sali filed with the Department of Water Resources application for amendment of permit No. 63-11273, and on September 29, 1992, he filed with the Department application for permit No. 63-11934 to appropriate the public waters of the State of Idaho. The applications were protested by the persons listed below in the certificate of mailing.

The Department has set the matter of protest for a conference to be held on Wednesday, December 2, 1992, at 1:30 p.m. in the Second Floor Conference Room, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706. 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

RECORDED

all parties to respond and present information and argument on all issues involved.

Dated this 20th day of November, 1992.

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

I hereby certify that on the 20th day of November, 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

RON SALI
1020 MAIN ST #42
BOISE ID 83702

ROBERT W TANNEHILL
1591 ARTESIAN RD
EAGLE ID 83616

BILL &/OR MARY RODE
1755 ARTESIAN RD
EAGLE ID 83616

RONALD &/OR ELAINE RIPPEY
1401 TROUT RD
EAGLE ID 83616

BRUCE HEALY
400 S LINDER RD
EAGLE ID 83616

KEVIN &/OR JILL DEVEREAUX
1320 LINDER RD
EAGLE ID 83616

ESTER MARSHALL
1624 ARTESIAN RD
EAGLE ID 83616

HEATHER &/OR GARY MINGUS
2077 TROUT RD
EAGLE ID 83616

EARNEST ROGERS
614 N 31ST
BOISE ID 83702

GLENN O SAWYER
1300 ARTESIAN RD
EAGLE ID 83616

LORNA HIBBARD
2256 N PAWNEE
BOISE ID 83704

STEVEN & YVONNE CAMPBELL
1200 ARTESIAN
EAGLE ID 83616

TAWNJA S ELISON
1200 ARTESIAN #41
EAGLE ID 83616

ROBERT MARSHALL
4633 HATCHERY RD
EAGLE ID 83616

DEC 02 1993

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 both the applicant and protestant as to factors which they are most knowledgable 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 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.

DEC 02 1953

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 to request oral argument before 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.

If you require special accommodations for a disability in order to participate in or attend the conference (hearing) (public meeting) please advise the department within ten (10) days prior to the conference, hearing or public meeting.

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.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
	)	
FOR AMENDMENT OF PERMIT NO.	)	NOTICE OF CONFERENCE
	)	
63-11273 AND APPLICATION FOR	)	
	)	
PERMIT NO. 63-11934 IN THE NAME	)	
	)	
<u>OF RON SALI</u>	)	

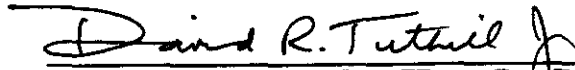
On August 20, 1992, Ron Sali filed with the Department of Water Resources application for amendment of permit No. 63-11273, and on September 29, 1992, he filed with the Department application for permit No. 63-11934 to appropriate the public waters of the State of Idaho. The applications were protested by the persons listed below in the certificate of mailing.

The Department has set the matter of protest for a conference to be held on Wednesday, December 2, 1992, at 1:30 p.m. in the Second Floor Conference Room, Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706. 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

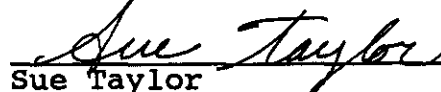
MICROFILMED
DEC 02 1993

all parties to respond and present information and argument on all issues involved.

Dated this 20th day of November, 1992.


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

I hereby certify that on the 20th day of November, 1992, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Secretary

Certified Mail

RON SALI
1020 MAIN ST #42
BOISE ID 83702

ROBERT W TANNEHILL
1591 ARTESIAN RD
EAGLE ID 83616

BILL &/OR MARY RODE
1755 ARTESIAN RD
EAGLE ID 83616

RONALD &/OR ELAINE RIPPEY
1401 TROUT RD
EAGLE ID 83616

BRUCE HEALY
400 S LINDER RD
EAGLE ID 83616

KEVIN &/OR JILL DEVEREAUX
1320 LINDER RD
EAGLE ID 83616

 ESTER MARSHALL
1624 ARTESIAN RD
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1200 ARTESIAN #41
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ROBERT MARSHALL
4633 HATCHERY RD
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DEC 02 1993

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UNRECORDED

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.

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EXHIBITS

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Robert W. Tannehill
1591 Artesian Road
Eagle, Idaho 83616
(208) 939-7278

RECEIVED
SEP 18 1992

Idaho Water Resources
Western Division
2735 Airport Way
Boise, Idaho 83705

Department of Water Resources
Western Regional Office

RE: Application Number 63-11273
Ron Sali
TWP 4 No. Range 1 W
Section 14

Gentlemen:

My family and I are opposed to the above proposal for a variety of reasons. Since Mr. Sali dug a pond on his property, the pressure at our domestic well has dropped thirty percent. The sub irrigation that we have enjoyed in the past is no longer evident; therefore, we are now forced to increase surface irrigation by three hundred percent.

Mr. Sali's proposal is to use this water for several years, thereby seriously effecting the lives of more than seventy families on the west end of Eagle Island.

We implore you to reject this proposal.

Sincerely,



Robert W. Tannehill

MICROFILMED

DEC 02 1993

9-17-92

Ref 63-11273

RECEIVED

SEP 17 1992

Department of Water Resources
Western Regional Office

T-4N - R1W Sec 14

Published 9-3 - 9-10 92 statement

Ron Sali: Application for pumping
Sub water from pit!
He has ample water from Hart-Davis Ditch Above.
Ron Sali has been pumping this
summer without permit. This
action has lowered the water table
to cause my irrigation time to
double plus, to get across my ground.
The whole area involved around is
GRAVEL & SAND with very little soil.
So it is needed to keep sub water
high.

By Mr. Sali's digging this pit
The west side of it water (over sub)
is running out. Because top base
has been taken away.

I am objecting to this application
Fulley.

Bruce Healy
400 S. Linden Rd.

Esle Ida. 83616

Phone 939-8318

INDEXED

DEC 02 1993

RECEIVED

SEP 18 1992

Department of Water Resources
Western Regional Office

September 18, 1992

Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho

Re: Water Use Application number 63-11273 (Ron Sali)

We hereby notify you of our opposition to the approval of Application #63-11273 in the name of Ron Sali. This application concerns using ground water in the Eagle Island area of Linder Road. We know of instances where Mr. Sali has been pumping water from his already existing "pit" and the surrounding homes have experienced severe depletion in their ground water supplies. We are very concerned about the loss of existing ground water if Mr. Sali continues to pump on an ongoing basis as he has previously. He currently pumps water from the Middle Channel of the Boise River day and night, seven days a week. We believe this amount of use in the area proposed by his application will certainly deplete our ground water supply if his application is approved (at the levels he has already been using, there is certainly some depletion). Our home is located directly across the road from Mr. Sali's property. We fear that water supplies will be depleted to a point where Mr. Sali will be lowering the water shelf in our area. For those of us who live in that area, it could be detrimental to our existing domestic wells and water supplies.

Jill Devereaux

Kevin and Jill Devereaux
1320 Linder Road
Eagle Idaho 83616

MICROFILMED

DEC 02 1993

De. Sirs

Sept 17, 1992

I am writing in opposition of a pumping of groundwater permit for Mr. Sali. Ref #63-11223.

My husband and I own ten acres on Trout road. Part of the reason we can irrigate and grow our hay + pastures on this rocky, sandy soil is our high water table. We are afraid that if he pumps out our ground water it will take much longer + much more water to irrigate our land. This is no small matter to us as we have spent much time + money this year putting in new pasture on barren land.

Please consider this as you make your decision.

Thank You,

Heather + Kay Mingers



RECEIVED

SEP 18 1992

Department of Water Resources
Western Regional Office

Sept. 18, 1992

Idaho Water Resources Board
Western Division
2735 Airport Way
Boise, ID. 83705

Reference # 63-11273

(Ron Sali application for pumping ground water)

We are writing to oppose this application for pumping ground water.

We live on Artesian Road (which is approximately $\frac{1}{4}$ mile from this proposed site) and have been here 23 years.

We can tell with digging post holes that the water table has been decreasing the last few years. This whole area is a gravel rock bar that the water flows through. Irrigation water just disappears. It is imperative that the water table is not reduced further with pumping water out of a 30 ft. deep gravel pit for years.

Mary L. Rode
Bill Rode

Bill and Mary Rode
1755 Artesian Road
Eagle, Id. 83616

RECEIVED

DEC 02 1993

18-92

To: Water Resources Board
Western Div.
2735 AIRPORT WAY
BOISE IDAHO

RECEIVED

SEP 18 1992

Department of Water Resources
Western Regional Office

From: RONALD & ELAINE RIPPY - ESTHER MARSHALL

Re: Ref # 6311273 Ron Sali Pumping water in Gravel Pit.

Members of the Board:

on Eagle Island the Soil is very Porous,
Consisting mainly of Sand & Rock, with a Thin Layer
of top Soil. The Fact that we have a high underground
Water table in this Area is the reason our ground
holds Irrigation water on the Surface For Needed
Moisture. We are concerned that Pumping
Required to Lower water in a Gravel Pit would
ALSO lower our underground water Level.

RECORDED

The Drought in Recent years ^{DEC 02 1993}
the subsequent Natural lowering of the water
Levels have made us more aware of the

Importance of Protecting our water AS
much as Possible

We hope that you will consider our
concerns in making your decision.

Thank you
~~Donald Frazier~~ - Elaine Rippay
1401 Trout Rd
Eagle ID. 83616

Esther Marshall
1624 Artesian Rd.
Eagle Id. 83616

RECEIVED

DEC 02 1993

NOTICE OF CORRECTION OF APPLICATION FOR AMENDMENT OF A PERMIT

Notice is hereby given that on September 3 and 10, 1992, Application for Amendment of Permit No. 63-11273 in the name of Ron Sali was advertised in error.

The Point of Diversion was advertised as T04N R01W Sec. 14 Lot 12 (SESENE), Lot 10 (NENWSW), Ada County, to be used for irrigation purposes from 3/15 to 11/15 within portions of T04N R01W Sec. 14 S1/2NE, N1/2SE. Whereas, the Point of Diversion should have read T04N R01W Sec. 14 Lot 12 (SESENE), Lot 10 (NENWSE), Ada County, to be used for irrigation purposes from 3/15 to 11/15 within portions of T04N R01W Sec. 14 S1/2NE, N1/2SE County.

Any protest against approval of this water right application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before September 19, 1992.

R. Keith Higginson, Dir.

Advertised in the Idaho Statesman on September 1 and 8, 1992.

MICROFILMED

DEC 02 1993

NOTICE OF APPLICATION FOR AMENDMENT

NO. 63-11273

Notice is hereby given that permit No. 63-11273 in the name of Ron Sali was filed on 2/21/1990 for the diversion of 3.48 cfs from groundwater with a point of diversion within the T04N R01W Sec. 14 Lot 12 (SESENE), Lot 10 (NENWSW), Ada County, to be used for irrigation purposes from 3/15 to 11/15 within portions of T04N R01W Sec. 14 S1/2NE, N1/2SE.

The permit holder now proposes to amend the permit by changing the point of diversion to T04N R01W Sec. 14 Lot 12 (SESENE) 2 points; Lot 10 (NENWSE), Ada County.

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 September 21, 1992.

R. Keith Higginson
Director

Published in the Idaho Statesman on 9/3 and 9/10/1992.

MICROFILMED

DEC 02 1993



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

August 13, 1992

Ron Sali
1020 Main St
Suite 420
Boise ID 83702

Dear Mr. Sali:

Enclosed, please find the completed application for amendment of permit 63-11273 that you need to sign and return with the \$20 amendment fee. The amendment adds the gravel pit as a third point of diversion. After you return the amendment, the change will be advertised for two consecutive weeks in the Idaho Statesman. After the last day of advertising, there is a ten day protest period. If no protests are received and the Department approves your application for amendment, then you can proceed to pump from the gravel pit. Until then, you must immediately stop diverting water from the pit. If the amendment is protested, you will be notified.

Water from the artesian wells can be diverted since they have already been advertised and permitted without protest. If you have any questions, please contact me at this office.

Sincerely,

Lori Graves
Sr. Water Resource Agent

Encl: amendment application

RECORDED

DEC 02 1992



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

July 28, 1992

Bruce Healy
400 S. Linder Road
Eagle, ID 83616

RE: PERMIT 63-11273 - RON SALI

Dear Mr. Healy:

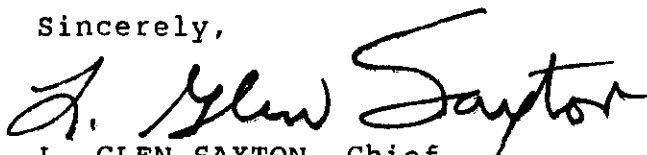
I have reviewed your July 24, 1992 letter in which you question a water use by your neighbor, Ron Sali.

Department records show that the department has issued permit no. 63-11273 to Ron Sali for the diversion of ground water in Section 14, T4N, R1W, B.M. for the irrigation of 174 acres in parts of Section 14. Enclosed for your information is a copy of the permit.

Department records show that in 1989 you filed Snake River Adjudication Claim No. A63-15383 claiming the use of 0.11 cfs for domestic and stockwater use. The claim shows that the well is 140 feet deep and claims a priority of use of September 14, 1983.

If Mr. Sali is using water as authorized on his permit, his use is a legal use of water and does not need to be stopped. Please feel free to contact the department if you have additional questions.

Sincerely,


L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - W. Region

MICROFILMED

DEC 02 1993

Len *RA*
RECEIVED
JUL 24 1992

Department of Water Resources

July 24, 1992

Keith Higginson, Director
Department of Water Resources
1301 N. Orchard
Boise, ID 83702

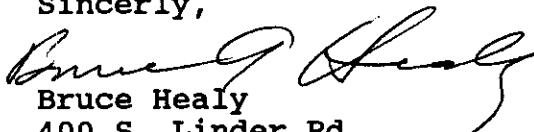
Dear Mr. Higginson:

I am writing you about a water matter affecting my water rights.

My neighbor, Ron Sali, developed a gravel pit that had not been authorized by planning and zoning and that has been halted. He was pumping the excess water from the pit to operate it.

He is continuing to pump the water from the pit for irrigation use and is lowering the subwater on my land. I would like the Department to investigate this matter to see if this is an illegal diversion and should be stopped.

Sincerely,


Bruce Healy
400 S. Linder Rd.
Eagle, ID 83616

Phone: 939-8318

REPROFILMED

DEC 02 1993

July 6, 1992

RON SALI
1020 MAIN ST. #420
BOISE ID 83702

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-11273

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

MICROFILMED

DEC 02 1993

RECEIVED
JUN 22 1992

OFFICE USE ONLY
Amt. of Fee \$ 125.00
Date 6-22-92
Receipt No. 0024652
Receipt by [Signature]

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 63-11273 Telephone No. 343-5042
2. Name(s) of Permit Holder(s): Ron Sali
3. Mailing Address: 1020 main # 420 Boise Id. 83702
4. Source of Water: groundwater

If GROUNDWATER, Well Driller's Name: Chuck Davis Date Drilled: 5/91

OPTIONAL:

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

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

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

Irrigation 150 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 500 GPM
6.1 cfs OR _____ acre/feet

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

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

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

8. Fee Enclosed: \$ 125. (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.

Ron Sali 3435042
Name Telephone No.

1020 main st. #420 Boise, Id. 83702
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.

6-18-92
Date

[Signature]
Signature (and title, if on behalf of a company or organization)

MICROFILMED

DEC 02 1993

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 63-11273

Reviewed by Klg

Date 7/1/92

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

yes Address same as permit?

yes Proof timely received?

Correct Uses? yes

If not, complete calculation below.

SOURCE OF WATER

 Surface water source

✓ Ground water source

yes Drilling permit required?

yes Copy in the file? Drilling Permit No. 63-91-W-173

500 Amount paid for permit yes Correct?

yes Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

25 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 6/22/92

7/6/92 Klg



PLEASE BRING ENTIRE BILL WHEN PAYING IN PERSON

FOR ACCOUNT INQUIRIES CALL OR CONTACT YOUR LOCAL OFFICE AT
888-4491 130 E IDAHO MERIDIAN

CUSTOMER IDENTIFICATION									
CUSTOMER NAME RON J SALI					SERVICE LOCATION 3815 14TH NR HWY 15 <i>Corp</i>				
CUSTOMER NUMBER 0333-019804-0					TYPE OF SERVICE IRRIGATION				
ACCOUNT INFORMATION AS OF JULY 01, 1992									
BALANCE FORWARD ▶									
METER NUMBER OR NUMBER OF LAMPS	RATE	SERVICE		DAYS	METER READING		METER CONSTANT	BILLING DEMAND	BILLING ENERGY KILOWATT HOURS
		FROM	TO		PREVIOUS	PRESENT			
90166011G24	529	629			002186	02519	1	6	333
**** ACCOUNT ACTIVITY SINCE LAST BILLING **** 41.77CR TOTAL PAYMENTS THANK-YOU									
ACCOUNT BALANCE									2621

COMPARE YOUR AVERAGE DAILY USE WITH LAST YEAR			
DAYS	BILLING PERIOD	KWH BILLED	KWH PER DAY
	THIS MONTH THIS YEAR		
	THIS MONTH LAST YEAR		

LEVEL PAY AMOUNT

PLEASE PAY THIS AMOUNT
26.21

PLEASE ADD \$1, \$5 OR \$10 TO AID PROJECT SHARE'S ASSISTANCE PLAN



RECYCLABLE

Kilowatt hr = 1000 watts of electricity used for 1 hr.

CR- CREDIT

AV- AVERAGE

2 OR 3- ESTIMATED READING
MN- MINIMUM

SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

$$333 \div 30 = 11.10 \text{ (daily average / KWhrs)} \div 12 \text{ (KWh rate of pump)} = .93$$

day *(approx 1 hr.)*

June 30 hrs per mo. MICROFILMED

DEC 02 1993

Billing demand - "highest demand in any given 15 minutes"
(how much power load needed when pump comes on)



PLEASE BRING ENTIRE BILL WHEN PAYING IN PERSON

FOR ACCOUNT INQUIRIES CALL OR CONTACT YOUR LOCAL OFFICE AT
888-4491 130 E IDAH(MERIDIAN

CUSTOMER IDENTIFICATION									
CUSTOMER NAME RON J SALI					SERVICE LOCATION 3815 14T4NR1W0015 Corp				
CUSTOMER NUMBER 0333-019804-0					TYPE OF SERVICE IRRIGATION				
ACCOUNT INFORMATION AS OF JULY 31, 1992									
BALANCE FORWARD ▶									2621
METER NUMBER OR NUMBER OF LAMPS	R A T E	SERVICE FROM TO		D A Y S	METER READING	METER CONSTANT	BILLING DEMAND	BILLING ENERGY KILOWATT HOURS	
90166011G24	029	729			00251903425	1	8	906	4793
LATE PAYMENT CHARGE									26
**** ACCOUNT ACTIVITY SINCE LAST BILLING ****									
.00 TOTAL PAYMENTS RECEIVED									
ACCOUNT BALANCE									7440

pa #183
8-4-92

COMPARE YOUR AVERAGE DAILY USE WITH LAST YEAR			
DAYS	BILLING PERIOD	KWH BILLED	KWH PER DAY
	THIS MONTH THIS YEAR		
	THIS MONTH LAST YEAR		

LEVEL PAY AMOUNT

PLEASE PAY THIS AMOUNT
74.14
74.40

PLEASE ADD \$1, \$5 OR \$10 TO AID PROJECT SHARE'S ASSISTANCE PLAN



RECYCLABLE

Kilowatt hr = 1000 watts of electricity used for 1 hr.

0- REGULAR READING
CR- CREDIT

1- CUSTOMER READING
AV- AVERAGE

2 OR 3- ESTIMATED READING
MN- MINIMUM

SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

$906 \div 30 \text{ days} = 30.20 \text{ (daily average / Kw hrs)} \div 12 \text{ (Kw rate of pump)} = 2.52$
(approx 2 1/2)
July 75 hrs. per mo. (approx 2 1/2 per day)

DEC 02 1993

Billing demand - "highest demand in any given 15 minutes"
(how much power load needed when pump comes on)



PLEASE BRING ENTIRE BILL WHEN PAYING IN PERSON

FOR ACCOUNT INQUIRIES CALL OR CONTACT YOUR LOCAL OFFICE AT
888-4491 130 E IDAHO, MERIDIAN

CUSTOMER IDENTIFICATION									
CUSTOMER NAME RON J SALI					SERVICE LOCATION 3815 14T4NR1W0015 Corp.				
CUSTOMER NUMBER 0333-019804-0					TYPE OF SERVICE IRRIGATION				
ACCOUNT INFORMATION AS OF AUGUST 31, 1992									
BALANCE FORWARD ▶									
METER NUMBER OR NUMBER OF LAMPS	R A T I O	SERVICE FROM TO		D A Y S	METER READING PREVIOUS PRESENT		METER CONSTANT	BILLING DEMAND	BILLING ENERGY KILOWATT HOURS
90166011624		729	827		003425	03529	1	5	104
**** ACCOUNT ACTIVITY SINCE LAST BILLING **** 74.40CR TOTAL PAYMENTS THANK-YOU									
ACCOUNT BALANCE									16.97

COMPARE YOUR AVERAGE DAILY USE WITH LAST YEAR			
DAYS	BILLING PERIOD	KWH BILLED	KWH PER DAY
	THIS MONTH THIS YEAR		
	THIS MONTH LAST YEAR		

LEVEL PAY AMOUNT

PLEASE PAY THIS AMOUNT
16.97

PLEASE ADD \$1, \$5 OR \$10 TO AID PROJECT SHARE'S ASSISTANCE PLAN



RECYCLABLE

Kilowatt Hr = 1000 watts of electricity used for 1 Hr.

10- REGULAR READING
CR- CREDIT

1- CUSTOMER READING
AV- AVERAGE

2 OR 3- ESTIMATED READING
MN- MINIMUM

SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

$$104 \div 30 = 3.47 \text{ (daily average / Kw Hrs)} \div 12 \text{ (Kw rate of pump)} = .29$$

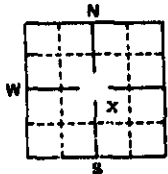
day/mth *15 hrs. per mo.* *(approx 30 minutes per day)*

Billing demand - "highest demand in any given 15 minutes"
(how much power load needed when pump comes on)

RECEIVED

SEP 2 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Ron Sall</u> Address <u>1020 Main St. Suite 420</u> <u>Boise, Idaho 83702</u> Drilling Permit No. <u>63-91-w-173</u> Water Right Permit No. _____		7. WATER LEVEL Static water level _____ feet below land surface. Flowing? ☒ Yes ☐ No G.P.M. flow <u>450</u> Artesian closed-in pressure _____ p.s.i. Controlled by: ☒ Valve ☐ Cap ☐ Plug Temperature _____ of Quality _____ 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 ☐ Pump ☐ Bailor ☐ Air ☐ Other _____ <table border="1"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>		Discharge G.P.M.	Pumping Level	Hours Pumped																																																																																					
Discharge G.P.M.	Pumping Level	Hours Pumped																																																																																									
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)		9. LITHOLOGIC LOG <table border="1"><thead><tr><th rowspan="2">Bore Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td> </td><td>0</td><td>2</td><td>Top soil/hard pan</td><td> </td><td>X</td></tr><tr><td> </td><td>2</td><td>47</td><td>Sand/gravel</td><td>X</td><td> </td></tr><tr><td> </td><td>47</td><td>54</td><td>Sand</td><td>X</td><td> </td></tr><tr><td> </td><td>54</td><td>70</td><td>Sandy clay</td><td> </td><td>X</td></tr><tr><td> </td><td>70</td><td>79</td><td>Sand</td><td>X</td><td> </td></tr><tr><td> </td><td>79</td><td>83</td><td>Yellow clay</td><td> </td><td>X</td></tr><tr><td> </td><td>83</td><td>133</td><td>Sand</td><td>X</td><td> </td></tr><tr><td> </td><td>133</td><td>149</td><td>Yellow clay</td><td> </td><td>X</td></tr><tr><td> </td><td>149</td><td>153</td><td>Sand (weak artesian)</td><td>X</td><td> </td></tr><tr><td> </td><td>153</td><td>156</td><td>Clay</td><td> </td><td>X</td></tr><tr><td> </td><td>156</td><td>174</td><td>Sand</td><td>X</td><td> </td></tr><tr><td> </td><td>174</td><td>190</td><td>Blue clay</td><td> </td><td>X</td></tr><tr><td> </td><td>190</td><td> </td><td>Yellow sand</td><td> </td><td> </td></tr></tbody></table>		Bore Diam.	Depth		Material	Water		From	To	Yes	No		0	2	Top soil/hard pan		X		2	47	Sand/gravel	X			47	54	Sand	X			54	70	Sandy clay		X		70	79	Sand	X			79	83	Yellow clay		X		83	133	Sand	X			133	149	Yellow clay		X		149	153	Sand (weak artesian)	X			153	156	Clay		X		156	174	Sand	X			174	190	Blue clay		X		190		Yellow sand		
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	190		Yellow sand																																																																																								
4. METHOD DRILLED ☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____		RECEIVED AUG 07 1991 Department of Water Resources JUL 29 1991 Department of Water Resources Water Resources Division																																																																																									
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td>250 inches</td><td>8 inches</td><td>3 feet</td><td>170 feet</td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></tbody></table> 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 _____ inches by _____ inches Number _____ From _____ To _____ _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>20</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Pudding 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 _____				Thickness	Diameter	From	To	250 inches	8 inches	3 feet	170 feet																																																																																
Thickness	Diameter	From	To																																																																																								
250 inches	8 inches	3 feet	170 feet																																																																																								
6. LOCATION OF WELL Sketch map location <u>must</u> agree with written location.  Subdivision Name _____ Lot No. _____ Block No. _____ County <u>Ada</u> NW ☐ SE ☐ Sec. <u>14</u> T. <u>4</u> N ☐ S ☐ R. <u>1</u> W ☒ E ☐		10. Work started <u>5-30-91</u> finished <u>5-31-</u>																																																																																									
11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. DAVIS WELLS & PUMP CO. Firm No. <u>111</u> <u>415 N. PITT LANE</u> <u>ANAMPA, IDAHO 83407</u> Date <u>7-13-91</u> Signed by (Firm Official) <u>Charles Davis</u> and (Operator) <u>Chase Davis</u>																																																																																											

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

DEC 02 1993

RECEIVED
MAY 15 1991

Drilling Permit No. 63-91-W-173
Water Right Permit No. P 63-11273
Injection Permit No. _____

Department of Water Resources
Western Regional Office

State of Idaho
Department of Water Resources

DRILLING PERMIT

1. Applicant Ron Sali
2. Mailing Address 1020 Main Street, Suite 420 Boise, Idaho 83702
Telephone 343-5042
(X) Well Owner () Well Operator () Other, specify _____
3. Proposed well location S.E. 1/4 N.E. 1/4, or Gov't lot No. 12,
Sec. 14, Twp. 4 N, Rge. 1 W, County Ada,
Street Address of Well Site Linder Road,
Lot, block and subdivision N/A
4. Proposed use of well:
() Single family or stockwater use (less than 13,000 gallons per day)
(X) Irrigation (more than 1/2 acre)
() Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____
() Other (describe fully) _____
5. Well construction information:
A. (X) New well () Deepen () Replace - See Condition 9.
B. Proposed surface diameter 8" Maximum depth 250'
C. Anticipated bottom hole temperature:
(X) 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212°F or more (Geothermal well)
6. Construction Start Date May 30, 1991
7. Anticipated Well Driller Chuck Davis
NOTE: The actual well driller must be identified prior to drilling.
8. Applicant's signature Ron Sali Date May 14, 1991
Title Owner
(Owner, Firm Representative, Other)

RECEIVED

DEC 02 1993

AN ORDER OF THE DEPARTMENT OF WATER RESOURCES

This Permit is

Approved

Date

5-24-91

If approved, this permit authorizes the construction 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 the 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°F 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 and Regulations.

SPECIFIC CONDITIONS:

Robert B. Whitney
Signature of Authorized Department Representative

Sr Agent / For Regional / Mgt
Title

Receipt No. 0013309

Received by Jad

Fee \$300.00

Date 5-15-91

EXTENSION OF DRILLING PERMIT

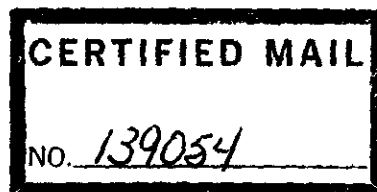
Extension approved by _____

Approval Date _____

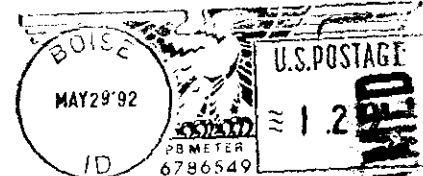
This extension is good for 60 days beyond the above extension approval date.

DEC 02 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
North Orchard Street
Boise, Idaho 83706-2237



Unclaimed
Returned
Reason
Insufficient
No such office in state
Do not re-mail in this envelope



*Sent by regular
mail on 6/1/92*

Name 1020
1st Notice June
2nd Notice _____
Return _____
Name _____
1st Notice _____
2nd Notice _____
Return 6-16

MICROFILMED

PFC 02 1993



May 31, 1992

RON SALI
1020 MAIN ST. #420
BOISE ID 83702

PROOF DUE NOTICE

RE: PERMIT NO. 63-11273

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 August 1, 1992. (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.

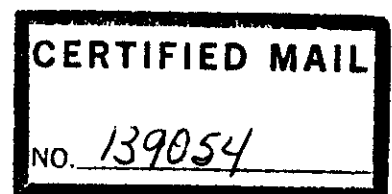
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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



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FILMED

DEC 02 1993



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

March 20, 1992

Ron Sali
1020 Main
Suite 420
Boise, ID 83702

RE: Unlawful flow of an artesian well

Dear Mr. Sali:

Pursuant to our previous discussions regarding excessive flow of your well located on North Linder Road, this letter is to inform you of both state law and Department rules and regulations pertaining to excessive flow of artesian wells. Please find enclosed a copy of Section 42-1601 and 42-1602 of the Idaho Code and the Departments well construction standards.

Department records show that you have an approved Permit to Appropriate Water #63-11273 on which the subject well is shown as one of two points of diversion. This permit allows the diversion of water for irrigation purposes only, between March 15 and November 15 of each year. Any diversion of water not covered under this permit is unlawful without a valid water right permit or license. Exception: Section 42-1602, Idaho Code, allows the diversion of water for stock or domestic purposes through a one inch stop and waste cock. Such a diversion shall not be made in excess of .04 cubic feet per second (9 gpm) or 13,000 gallons per day unless authorized by a valid water right permit or license.

If you require further clarification of these requirements or have any other questions please feel free to contact this office.

Sincerely,

Robert B. Whitney
Sr. Water Resource Agent

RBW/rbw

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FILMED

DEC 02 1993

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
July 13, 1990

RON SALI
1020 MAIN ST. #420
BOISE, ID 83702

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P63-11273

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.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

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.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date

RECORDED

JUL 20 1990

permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

JUL 26 1990

Form No. 202a.
3/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: BB DATE: 3-1-90 APPLICATION: 63-11273

REQUIRED INFORMATION

☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
☒ Address:
☒ Source: (See USGS Quad for names of water sources)
☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
☒ County:
☒ Quantity: (flow and/or volume)
☒ Period of use:
☒ Nature of proposed use: (Include description of use)
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated:
☒ Map:
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee:
☒ Yes ☐ No* In form to receipt:

Gov't. Lots:
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

YES	NO	
☒	☐	Overlapping place of use: (Describe source & relationship to present application on the back.)
☐	☒	Overlapping point of diversion:
☐	☐	Field check required: Field check by: _____
☐	☐	Field report attached:
☐	☒	Critical groundwater area:
☐	☒	Groundwater management area:
☐	☐	Diversion within interim protected river area
☐	☒	Send dam safety information:
☐	☒	Send power requirement letter:
☐	☒	Send fish farm requirement letter:
☐	☒	Power residency affidavit:
☐	☒	Power efficiency form:
☐	☒	Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☐	☒	Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.)
☐	☒	*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: _____
Additional information on reverse side: _____

RECEIVED
JUL 02 1990

Department of Water Resources

PROCESSING

APPLICATION NO. 63-11273

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 May 7, 1990

Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve, Den

Measuring device required:

Measuring port required:

Water delivered by water master? District # 63-P05

Special conditions of approval or cover letter:

26A

See below for additional information

Recommended Date or Priority 2/21/1990

Recommended by: DW

Date 6/28/1990

STATE OFFICE REVIEW

P05, P23

P17

46 26

See below for additional information. By

KW

Date

7/5/90

ADDITIONAL INFORMATION

There are other water rights with same purpose, same legal land description but from different source.

HR9001NP
(00-21)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS MICROFICHE BY PLACE OF USE

DATE: 09/06/89
PAGE: 1445

TWP	RNG	SECT	TRACT	LOT	ACRES	WATER-USE-CODE	WATER RIGHT NO.	LAST NAME	STG	PRIORITY DATE	WATER SOURCE
04N	01W	13	SH SE	14	01		63-00132K	CATLIN HACE	0	06-01/1864	BOISE RIVER
			SH SE		01		63-00132L	STATE OF IDAHO CATLIN HACE	0	06-01/1864	BOISE RIVER
			SH SE		01		63-00133K	STATE OF IDAHO CATLIN HACE	0	06-01/1871	BOISE RIVER
			SH SE		01		63-00133L	STATE OF IDAHO CATLIN HACE	0	06-01/1871	BOISE RIVER
			SH SE		19		63-02635	STATE OF IDAHO	0	04/17/1946	GROUNDWATER
			SH SE		19		63-02650	STATE OF IDAHO	0	02/13/1951	GROUNDWATER
			SH SE		10		63-10627	U.S. DEPT. OF DEFE	0	05/12/1988	GROUNDWATER
			NE NE		20.0	01	63-02406	DRAINAGE DISTRICT	0	07-05/1965	WASTE WATER
			NE NE		7.0	01.04	63-04091	SMITH	0	06-01/1920	GROUNDWATER
			NE NE		15.0	01.04, 43	63-04315	EARL	0	06-01/1948	GROUNDWATER
			NE NE		8.0	01.43	63-10824	MC CLUE	0	06/21/1969	GROUNDWATER
			NE NE		20.0	01	63-02406	DRAINAGE DISTRICT	0	07-05/1965	WASTE WATER
			SE NE		12	01	63-00187	HART	0	06-01/1872	BOISE RIVER
			NE NE		28.0	01	63-02406	DRAINAGE DISTRICT	0	07-05/1965	WASTE WATER
			NE NE		27.0	01	63-02406	DRAINAGE DISTRICT	0	07-05/1965	WASTE WATER
			SH NE		01	01	63-00187	HART	0	06-01/1872	BOISE RIVER
			SH NE		01	01	63-00187	HART	0	06-01/1872	BOISE RIVER
			SH NE		01	01	63-00187	HART	0	06-01/1872	BOISE RIVER
			SH NE		01	01	63-00187	HART	0	06-01/1872	BOISE RIVER
			SH NE		10	01	63-00187	HART	0	06-01/1872	BOISE RIVER
			SH NE		10	01	63-05173	TIMMONS	0	07-01/1958	BOISE RIVER
			SH SE		8	01	63-05174	TIMMONS	0	07-01/1941	GROUNDWATER
			SH SE		9	01	63-00187	HART	0	06-01/1872	BOISE RIVER
			SH SE		9	01	63-05173	TIMMONS	0	07-01/1958	BOISE RIVER
			SE SE		01	01	63-00187	HART	0	06-01/1872	BOISE RIVER
			NE NE		34.0	01	63-02406	DRAINAGE DISTRICT	0	07-05/1965	WASTE WATER
			NE NE		2	01	63-00370	MULLER	0	04/15/1893	BOISE RIVER
			NE NE		01	01	63-00370	MULLER	0	04/15/1893	BOISE RIVER
			NE NE		36.0	01	63-02406	DRAINAGE DISTRICT	0	07-05/1965	WASTE WATER
			SH NE		01	01	63-00370	MULLER	0	04/15/1893	BOISE RIVER
			SH NE		36.0	01	63-02406	DRAINAGE DISTRICT	0	07-05/1965	WASTE WATER
			SE NE		15.0	01	63-02406	DRAINAGE DISTRICT	0	07-05/1965	WASTE WATER
			NE NE		37.0	01	63-02406	DRAINAGE DISTRICT	0	07-05/1965	WASTE WATER
			NE NE		6.0	01.43	63-02641	PETERSON	0	08/21/1946	GROUNDWATER

MICROFILMED

JUL 26 1990

63-11273

SALI, RON
1020 MAIN ST. STE. 420
BOISE, ID 83702

Source: GROUNDWATER

Diversion Pt: LOT 12 (SESENE) Sec 14 T 04N R 01W
LOT 10 (NENWSE) Sec 14 T 04N R 01W

Use: IRRIGATION (3.480 CFS)
Total Diversion: (3.480 CFS)

Date Filed: 2/21/ 1990

In: T04N R01W S14 Lot 11 (SWNE) Lot 12 (SENE) NESE Lot 10 (NWSE)
173.8 ACRES TOTAL

MICROFILMED

JUL 26 1990