

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 45-07741

Proposed Priority: November 12, 1998 Maximum Diversion Rate: 0.80 CFS

This is to certify, that JOINT SCHOOL DISTRICT NO 151
237 E 19TH ST
BURLEY ID 83318

has applied for a permit to appropriate water from: GROUNDWATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.80 CFS

LOCATION OF POINT(S) OF DIVERSION: SENE , Sec. 30, Township 10S, Range 23E
NESE , Sec. 30, Township 10S, Range 23E
CASSIA 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>
10S	23E	30	SENE 10.0	NESE 10.0		20.0

Total number of acres irrigated: 20.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 2004.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. This right authorizes a single point of diversion.
6. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
7. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.

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State of Idaho
Department of Water Resources**Permit To Appropriate Water**

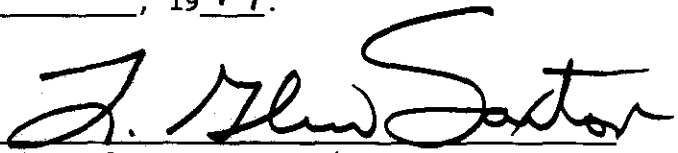
NO. 45-07741

CONDITIONS OF APPROVAL AND REMARKS

9. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
10. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
11. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
12. In addition to the surface water used for irrigation in conjunction with this right, the right holder shall maintain control of irrigation water in the Burley Irrigation District for 28 additional acres for mitigation purposes and shall comply with the terms of mitigation as the terms may be determined in the future by the department.
13. This right when combined with all other rights shall provide no more than 0.04 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
14. Place of use is locally known as Burley High School.

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

15 th day of June, 1999.


Karl J. Dreher, Director
for

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JUN 25 1999

RECEIVED

P. 02

MAY 19 1999

FORM 202
298RECEIVED
FEB 16 1999
Department of Water Resources
Southern Region

Department of Water Resources

Ident. No. 45-07741

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

NOV 12 1998

- Name of Applicant Joint School District 151 Phone 678-6600
Mailing address 237 E 19TH ST Burley, ID 83318
- Source of water supply Groundwater which is a tributary of _____
- Location of point of diversion is Township T10S Range R23E Sec. 30 in the _____ 1/4,
SE 1/4, NE 1/4, Govt. Lot _____, B.M., CASSIA County,
additional points of diversion if any: or NE SE S30
- Water will be used for the following purposes: only one well is planned to be needed
Amount 0.8 cfs for IRRIGATION purposes from 3-1 to 10-31 (both dates inclusive)
(cfs or acre-feet per annum) ^{3/15} ^{11/15} *
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) * per Jeff's, memo standard season. 6/14/99 cz.
- Total quantity to be appropriated is (a) 0.8 and/or (b) _____
cubic feet per second acre feet per annum
- Proposed diverting works:
 - Describe type and size of devices used to divert water from the source pump motor pipelines
 - Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
 - Proposed well diameter is 12 inches; proposed depth of well is 200 feet
 - Is ground water with a temperature of greater than 85°F being sought? No
 - If well is already drilled, when? N/A; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
- Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
- 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. _____

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b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

[illegible]

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

James F. Lee Director of Finance
Signature of Applicant (and title, if applicable)

Received by Jim J Date 11-12-98 Time 3:30 PM Preliminary check by _____
 Fee \$ 100.00 Received by DELLA # 2043887 Date 11-12-98
 Publication prepared by MB Date 3/16/99 Published in So. Ill. Press
 Publication approved MB Date 4/16/99

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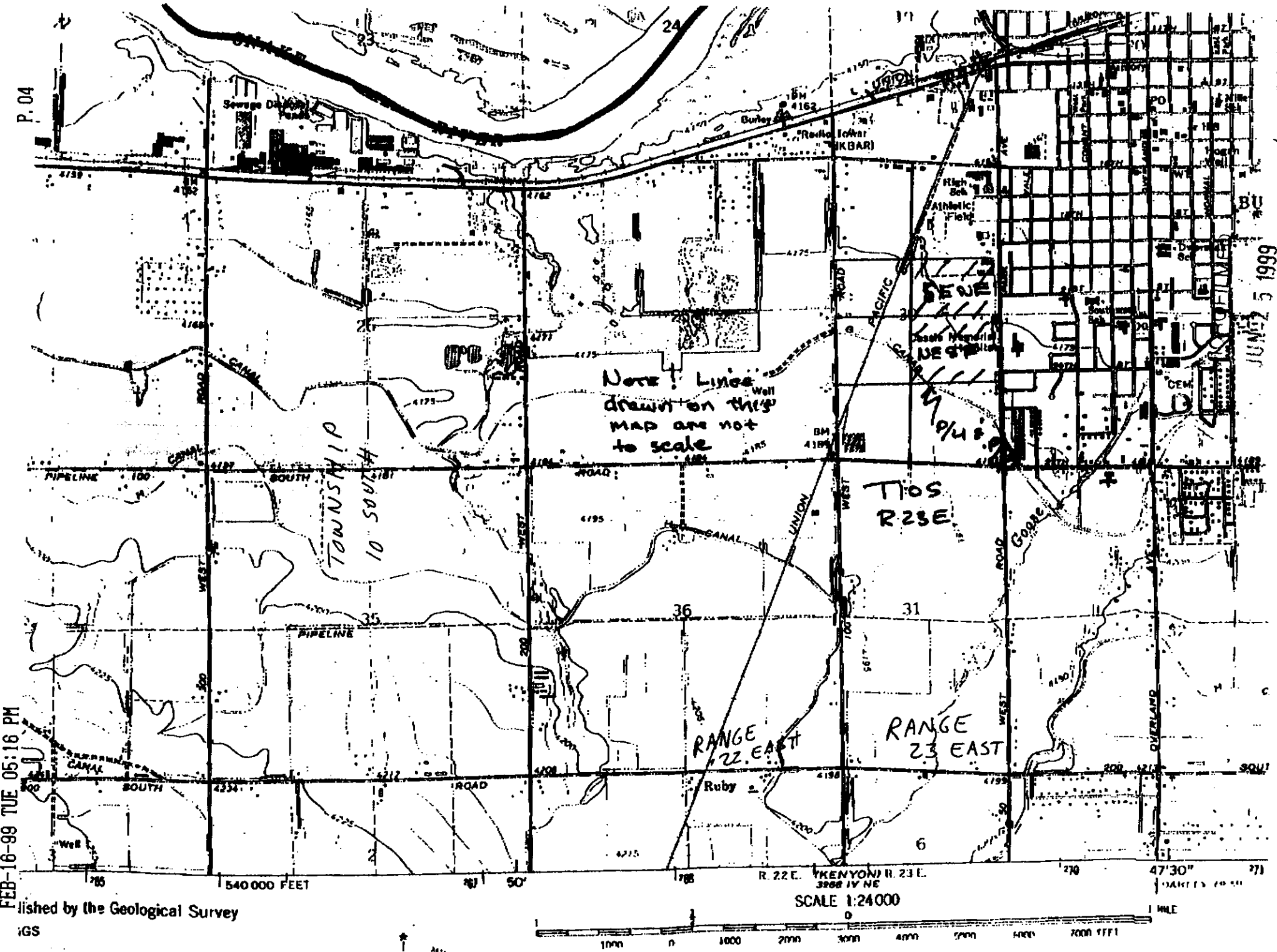
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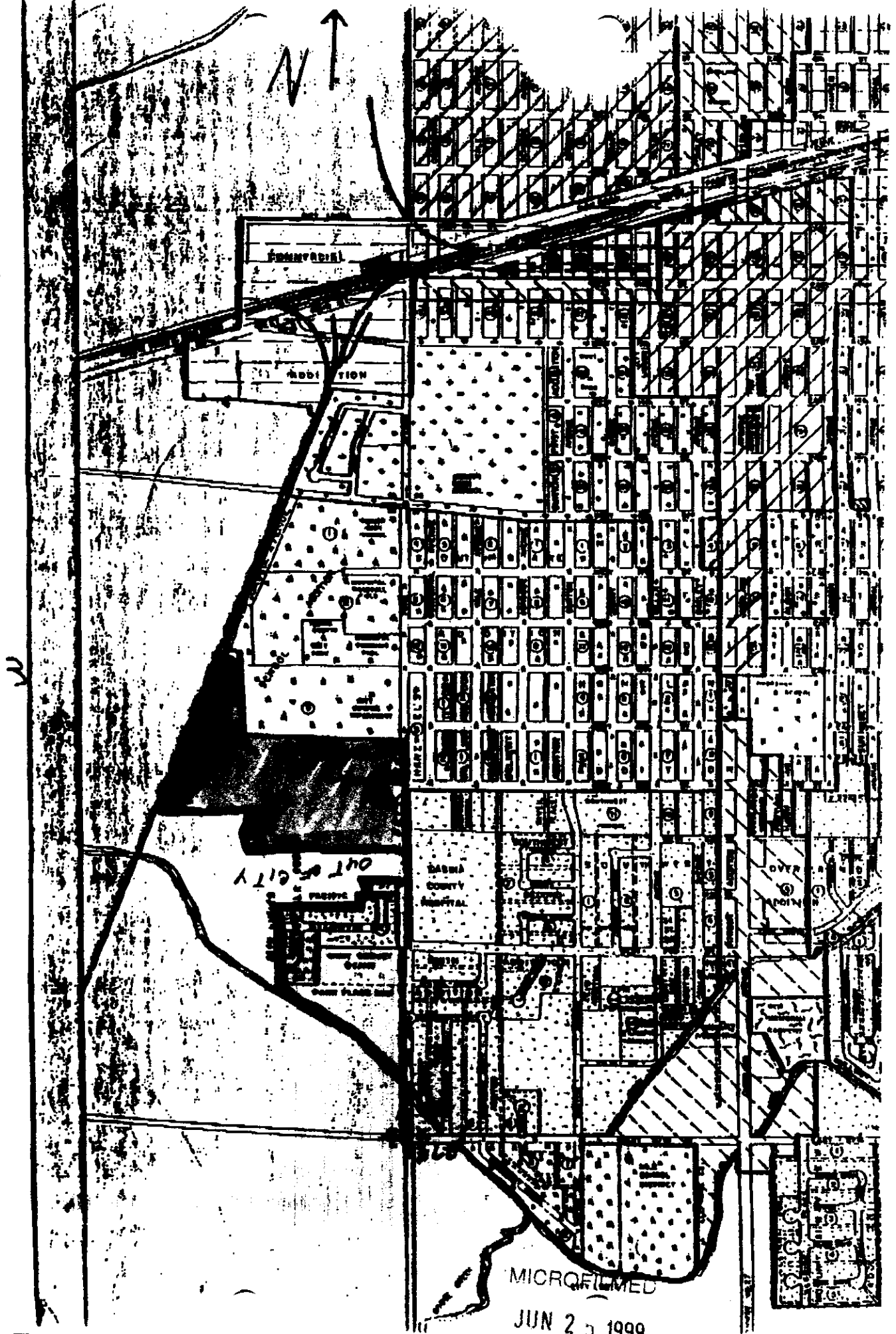
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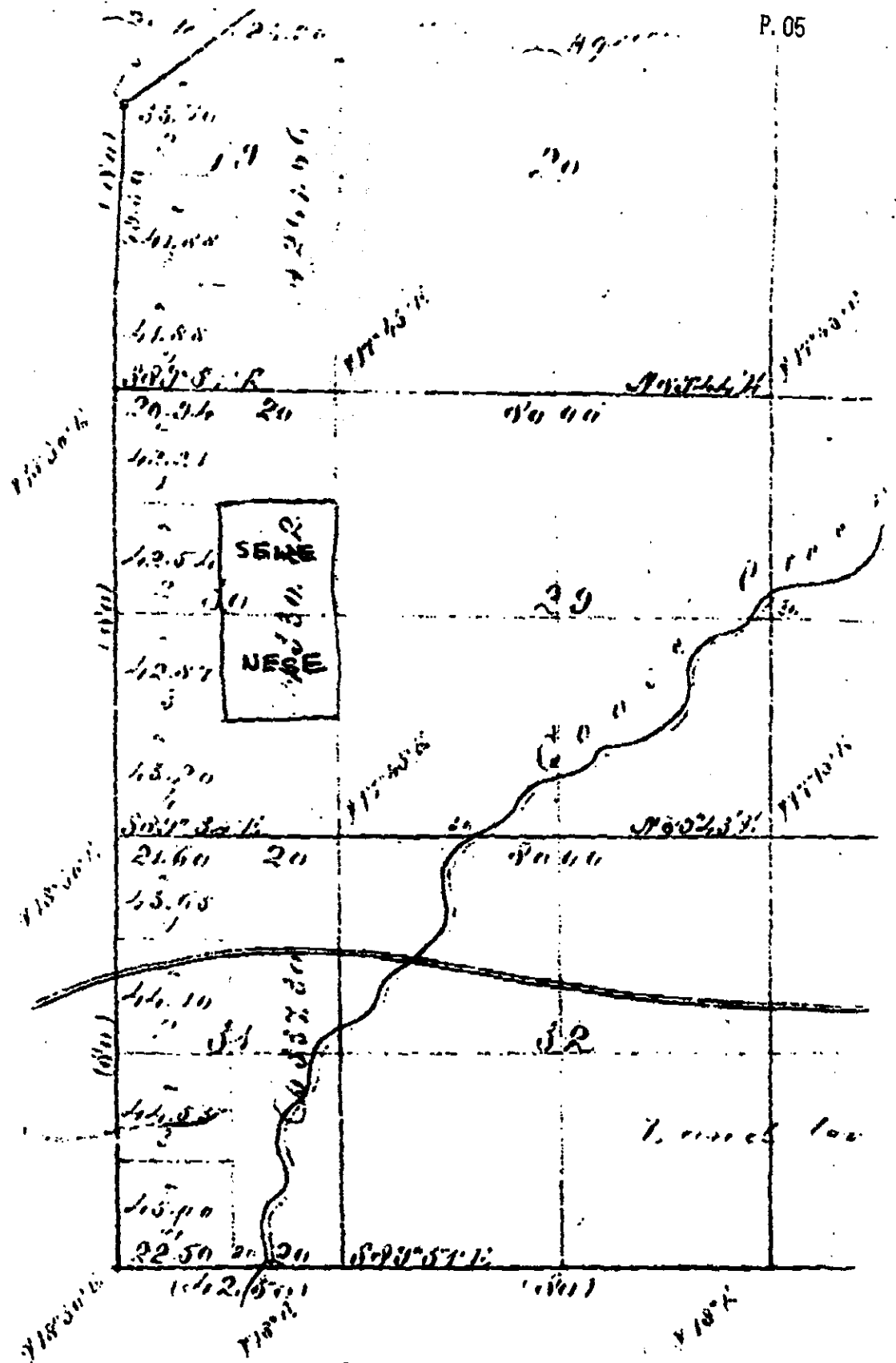
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Published by the Geological Survey
IGS



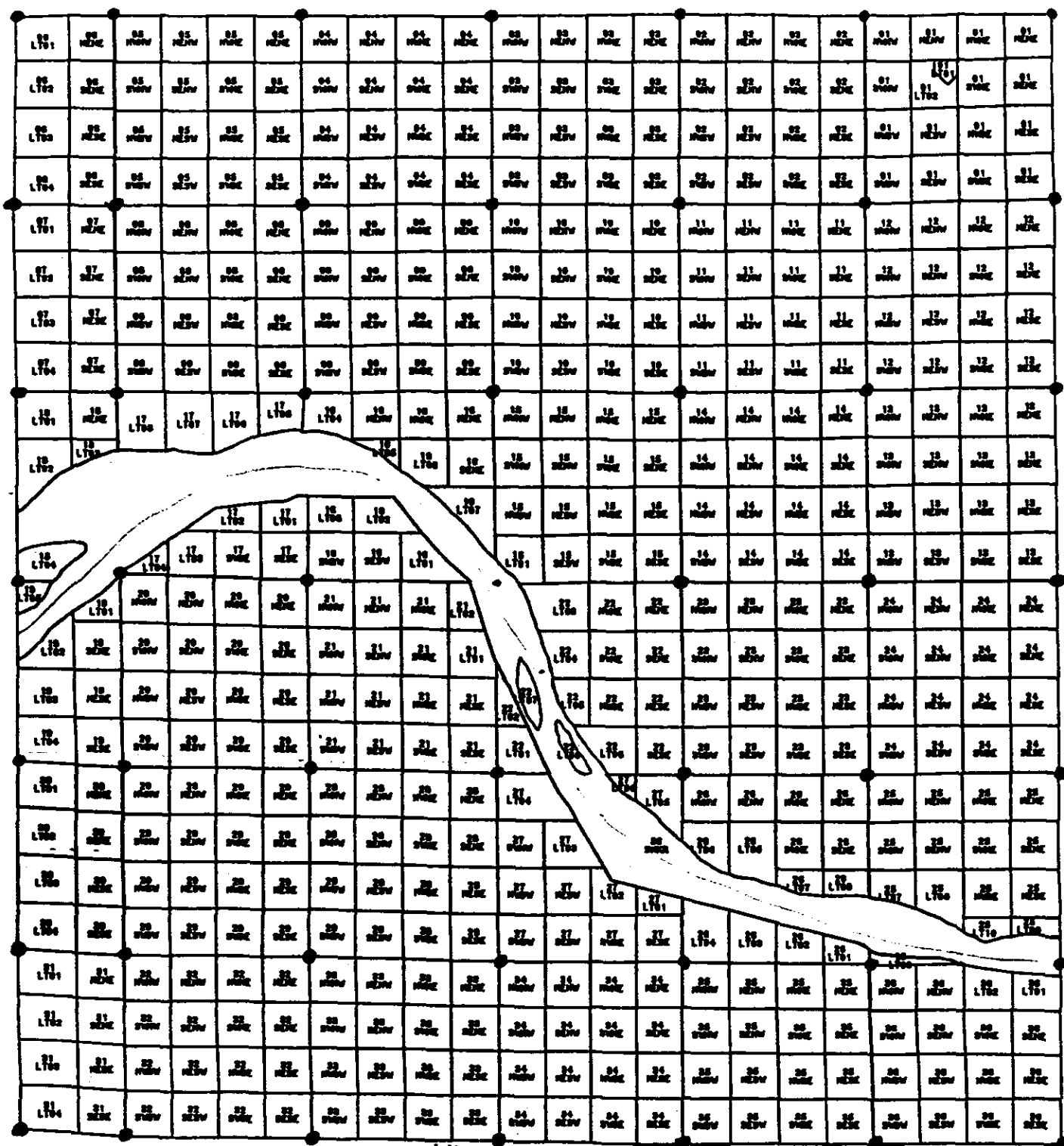




Designated areas	By whom surveyed	Date of Contract	Dist. of Survey		
			Miles	Chains	Links
	John P. J. Smith	JUN 25 1939	06	57	36
	" " "	"	21	13	11

45-07741

10S23E



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JUN 25 1999



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-7866

DATE: 2-16-99

RECEIVED

FEB 16 1999

Department of Water Resources
Southern Region

TO:

Corey
Southern

FROM:

Darla Bloch
for Tim Johnson

DOCUMENT DESCRIPTION: _____

COVER SHEET + 10 PAGES

CONTACT: Darla

IF YOU DO NOT RECEIVE ALL THE PAGES

THANK YOU!

MICROFILM

JUN 25 1999

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

45-07741

239997

WARRANTY DEED

DEED, made this 30 day of November, 1995, between GRANT M. WYATT, IVA JEAN WYATT, MARVIN MILLER, MARGARET MILLER, DAVID R. PRICE, SUSAN PRICE, HOYD R. FOULTON, and DELORES J. FOULTON, of Box 1120, Burley, Idaho 83318 ("Grantor") and JOINT SCHOOL DISTRICT NO. 151 OF CASSIA AND TWIN FALLS COUNTY, IDAHO, a body corporate and politic, 237 East 19th Street, Burley, Idaho 83318 ("Grantee").

WITNESSETH:

The Grantor, as and for a charitable contribution and in a further consideration of the use by the Grantee of the property hereinafter described for a public purpose, has granted, bargained, sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantee and to the successors and assigns of the Grantee all of the following described real estate in the County of Cassia, State of Idaho, to-wit:

That property described on Exhibit A attached hereto and made a part hereof by reference as though separately set out herein.

FURTHER GRANTING unto the Grantee a perpetual non-exclusive easement on, over, across and under the real estate described on Exhibit B attached hereto and made a part hereof by reference for the benefit of the real estate described on Exhibit A. Such easement shall be for the installation, repair, replacement and maintenance of an underground pipeline

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

1 for the conveyance of water to the property described on
2 Exhibit A and together with the right of ingress and egress
3 thereto for the purpose of the installation, maintenance,
4 repair and replacement of the pipeline.

5 SUBJECT TO:

6 1995 taxes, levies and assessments;
7 Assessments of the Burley Irrigation
8 District, and subject to a County Road
9 Right of Way on the East side of said
10 property.

11 TOGETHER with all and singular the tenements,
12 hereditaments, water, and appurtenances thereunto belonging or
13 in anywise appertaining, the reversion and reversions,
14 remainder and remainders, rents, issues and profits thereof and
15 all estate, right, title and interest in and to said property
16 as well in law as in equity.

17 TO HAVE AND TO HOLD all and singular the above
18 premises together with appurtenances and water unto the
19 Grantee.

20 The Grantor shall and will warrant and by these
21 presents forever defend the premises in quiet and peaceable
22 possession of the Grantee, and the successors and assigns of
23 the Grantee against all and every person or persons whomsoever
24 lawfully claiming the same except as aforesaid.

25 IN WITNESS WHEREOF, the Grantor has executed this
26 Deed the day and year first above written.


Grant M. Wyatt

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLY, IDAHO

Iva Jean Wyatt
Iva Jean Wyatt

Marvin E. Miller
Marvin Miller

Margaret A. Miller
Margaret Miller

David R. Price
David R. Price

Susan Price
Susan Price

Boyd R. Boulton
Boyd R. Boulton

Delores J. Boulton
Delores J. Boulton

STATE OF IDAHO)

) ss

County of Cassia)

On this 27th day of November, in the year 1995,
before me, the undersigned, a Notary Public in and for said
State, personally appeared GRANT M. WYATT and Iva Jean Wyatt,
husband and wife, known or identified to me to be the persons
whose names are subscribed to the within instrument, and
acknowledged to me that they executed the same.

Kathryn A. Wall
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires on 11/1/96

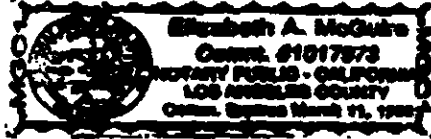
STATE OF CALIFORNIA)

) ss

County of Los Angeles)

On this 22nd day of November, in the year 1995,
before me, the undersigned, a Notary Public in and for said
State, personally appeared MARVIN MILLER and MARGARET MILLER,
husband and wife, known or identified to me to be the persons
whose names are subscribed to the within instrument, and

acknowledged to me that they executed the same.



David U. McGuire
Notary Public for California
Residing at Torrance
My commission expires on 3/11/98

STATE OF IDAHO)

County of Cassia) ss

On this 30 day of NOV, in the year 1995,
before me, the undersigned, a Notary Public in and for said
State, personally appeared DAVID R. PRICE and SUSAN PRICE,
husband and wife, known or identified to me to be the persons
whose names are subscribed to the within instrument, and
acknowledged to me that they executed the same.

Kathleen Wall
Notary Public for Idaho
Residing at Rupert
My commission expires on 3/19/96

STATE OF NEW JERSEY)

County of Morris) ss

On this 24th day of November, in the year 1995,
before me, the undersigned, a Notary Public in and for said
State, personally appeared BOYD R. POULTON and DELORES J.
POULTON, husband and wife, known or identified to me to be the
persons whose names are subscribed to the within instrument, and
acknowledged to me that they executed the same.

Carrie B. Marshall
Notary Public for New Jersey
Residing at Sunrise
My commission expires on June 7, 2000

CARLLE B. MARSHALL
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires June 7, 2000

EXHIBIT B

LEGAL DESCRIPTION

Part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, of Township 33 South, Range 23 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the Southeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30 of T.10 S., R.23 E., B.M., said corner marked by a 5/8" rebar; Thence North 86 degrees 44 minutes 59 seconds West along the south line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 1038.33 feet to a point on the north right of way of "G" canal which shall be the Point of Beginning;

THENCE North 62 degrees 01 minutes 25 seconds West along said right of way for a distance of 203.15 feet;

THENCE North 52 degrees 29 minutes 46 seconds West along said right of way for a distance of 114.21 feet;

THENCE North 43 degrees 59 minutes 21 seconds West along said right of way for a distance of 40.28 feet to a point on the west line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$;

THENCE North 00 degrees 32 minutes 47 seconds West along said line for a distance of 891.98 feet to a $\frac{1}{2}$ " rebar;

THENCE South 86 degrees 29 minutes 41 seconds East for a distance of 20.05 feet;

THENCE South 00 degrees 32 minutes 47 seconds East for a distance of 895.69 feet;

THENCE South 43 degrees 59 minutes 21 seconds East for a distance of 21.98 feet;

THENCE South 52 degrees 29 minutes 46 seconds East for a distance of 112.48 feet;

THENCE South 62 degrees 01 minutes 25 seconds East for a distance of 226.12 feet to a point on the south line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$;

THENCE North 86 degrees 44 minutes 59 seconds West along said line for a distance of 26.30 feet to the Point of Beginning.

Exhibit B

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EXHIBIT A

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 30: Part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:

Beginning at the East quarter section corner of said Section 30, said corner marked by a 5/8" rebar which shall be the Point of Beginning;
Thence South 00°32'40" East along section line for a distance of 257.33 feet to a 1/4" rebar;
Thence North 86°29'41" West for a distance of 1335.55 feet to a 1/4" rebar;
Thence North 00°32'47" West for a distance of 257.33 feet to a 5/8" rebar at the Northwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 00°32'47" West along the West line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 729.21 feet to a point;
Thence South 86°01'35" East along the South boundary of the City of Burley property for a distance of 17.24 feet to a 1" iron pipe;
Thence South 86°01'35" East along said City of Burley property for a distance of 1272.68 feet to a fence corner at the Southeast corner of Lot 2 in Block 3 of the School Addition;
Thence South 86°01'35" East for a distance of 46.36 feet to a point on section line;
Thence South 00°33'15" East along section line for a distance of 718.27 feet to the Point of Beginning.

Exhibit A

RECORDED
JUN 25 1999

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only

Inspected by _____

Twp _____ Rge _____ Sec _____

_____ 1/4 _____ 1/4 _____ 1/4

Lat: : : Long: : :

1. WELL TAG NO. D 000 8514
 DRILLING PERMIT NO. 45-99-5-0058-000
 Other IDWR No. [REDACTED]

2. OWNER:
Name Saint School Dist #151
Address 237 E 19th
City Barber, Ohio State OH Zip 43318

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N
 W E S
 Twp. 10 North ☐ or South ☒
 Rge. 23 East ☒ or West ☐
 Sec. 30 $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$
 Gov't Lot _____ 10 acres County CASSIA 10 acres 160 acres
 Lat. : : Long. : :
 Address of Well Site 1/4 West 1st Lf
 City Burley
 (Give all land in road + distance to road or landmark)
Canal

Lt.	Bk.	Sub.	Name
-----	-----	------	------

4. USE:

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

5. TYPE OF WORK check all that apply

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER		PACK		AMOUNT	METHOD
Material	From	To	Sacks or Pounds		
Bentuck	0	20	300 ⁺	Orulore 0-20	

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

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
10 3/4	+1	135	1/4	steel	☒	☐	☒	☐
8 5/8	110	260	1/4	✓	☐	☒	☒	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

Perforations Method NONE
Screens Screen Type

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

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

11. WELL TESTS:

☐ Pump ☒ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
50	-0-	233	1 Hr

Water Temp. 55° Bottom hole temp. 55°

Water Quality test or comments:

Depth first Water Encounter 40'

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

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
10	0	4	top soil		
10	4	20	Clay & Gravel		
10	20	40	Brown Clay		✓
10	40	80	sand		
10	80	135	Brown Clay		
10	135	170	gray lava		
10	170	235	Brown lava		
10	235	255	clay		
10	255	260	sand		✓
8	260	300	gray lava		
8	300	325	black lava		
8	325	350	✓ cinders		✓
CEIVED					
14 1999					
of Water Resources					
10" shoe at the bottom of 10" casing					
8" liner has steel shoe on top at 110'					
lost cuttings from 325-350 block cinders					
Completed	Depth		350	(Measurable)	
Date: Started	10-17-99		Completed	11-15-99	

13. DRILLER'S CERTIFICATION

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

Company Name Charles Sullivan Firm No. 428

Firm Official Bert Charles Date 11-18-99

Driller or Operator David Charles Date 11-18-99

(Sign once if Firm Official & Operator)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 16, 1999

JOINT SCHOOL DISTRICT NO 151
237 E 19TH ST
BURLEY ID 83318

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 45-07741

Dear Permit Holder:

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

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

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

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

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

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your right

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may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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JUN 25 1999

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of June, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 45-07741

JOINT SCHOOL DISTRICT NO 151
237 E 19TH ST
BURLEY ID 83318


Kari Lynn Townsend
Secretary

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JUN 25 1999

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

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CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

JUN 25 1999

INTER-DEPARTMENT MEMO — 1

DATE 6/14/99

FROM CINDY ZIMMERMAN

TO FILE 45-07741

SUBJECT IRRIGATION SEASON

I spoke with Cathy Patton from SD#151 this morning. She agreed that an irrigation season of 3/15-11/15 would be adequate for their irrigation needs, and authorized the change to the irrigation season.

OK per Allen Merritt to change season for irrigation. No re-advertisement necessary.

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JUN 25 1999

Cindy Zimmerman
SIGNATURE

Keen, Shelley

From: Peppersack, Jeff
Sent: Monday, June 14, 1999 9:06 AM
To: Keen, Shelley
Subject: Proposed Irrigation Season Near Burley, ID

Shelley,

The proposed irrigation season of 3/15 to 11/15 is based on a period when the average daily temperature is greater than or equal to 45 degrees Fahrenheit. According to SCS (now NRCS), grass pasture begins growth in the spring when the average daily temperature reaches or exceeds 45 degrees. Growth ends in the fall when the average daily temperature falls to 45 degrees or below. Grass pasture has the longest growing season of all the crops considered by SCS. The University of Idaho, State Climate Services prepared a report for us which determines the beginning and ending dates for weather stations in Idaho. They supplemented the report with 90th percentile values for each station based on the period of record (1960 to 1995 for many stations). The 90th percentile values for the Burley station are 3/20 to 11/7 (based on 34 years of record).

Although it is possible for growth to begin earlier or end later (1 year in 10 based on the data), the rounding for our standard seasons makes that possibility pretty remote. Also, the standard seasons are based on the beginning and end of growth and do not necessarily reflect a need for irrigation water at that time. A wet spring or soil moisture carryover from the preceding season would likely delay the need for irrigation in the spring.

Having said all of the above, we should still consider our standard seasons to be general guidelines. If there is sufficient justification and documentation of a need outside of our standards, we should consider them on a case by case basis.

Jeff



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX TRANSMITTAL COVER SHEET

DATE: MAY 25, 1999

TO: RANDY BINGHAM

BURLEY IRR. DIST.

FAX: (208) 678-3723

FROM: CINDY ZIMMERMAN

WATER ALLOCATIONS

DOCUMENT DESCRIPTION: LETTER + DRAFT PERMIT ON
APPLICATION No. 45-07741, BURLEY HIGH SCHOOL.

COMMENTS: PLEASE REVIEW AND RESPOND BY JUNE 8, 1999.

COVER SHEET + 3 PAGES

PLEASE CONTACT CINDY - (208) 327-7944

IF YOU DO NOT RECEIVE THIS ENTIRE DOCUMENT

MICROFILMED

JUN 25 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

May 25, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Randy Bingham
Burley Irrigation District
246 E 100 S
Burley ID 83318

SENT VIA FACSIMILE

Re: Application for Permit 45-07741

Dear Mr. Bingham,

In follow-up to your telephone conversation with Allen Merritt of our Southern Region office, I am faxing you a draft of the proposed permit for irrigation at Burley High School.

Please review the conditions of approval carefully. If you have any comments, please respond to me with your comments by June 8, 1999. If I do not receive your comments by then I will assume you agree with the conditions and will proceed with issuing the permit.

You may contact me directly at (208) 327-7944, at the above address, or by electronic mail at czimmerm@idwr.state.id.us.

Respectfully,

Cindy Zimmerman
Water Resource Agent

Attachments

c: Allen Merritt, Southern Region office

June 9/99:

No response. cz.

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JUN 25 1999

DRAFT

**DRAFT OF PERMIT
NO. 45-07741**

Proposed Priority: November 12, 1998 Maximum Diversion Rate: 0.80 CFS

This is to certify, that JOINT SCHOOL DISTRICT NO 151
237 E 19TH ST
BURLEY ID 83318

has applied for a permit to appropriate water from: GROUNDWATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 10/31	0.80 CFS

LOCATION OF POINT(S) OF DIVERSION: SENE , Sec. 30, Township 10S, Range 23E
NESE , Sec. 30, Township 10S, Range 23E
CASSIA 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>
10S	23E	30	SENE 10.0	NESE 10.0		20.0

Total number of acres irrigated: 20.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 2004.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. This right authorizes a single point of diversion.
6. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
7. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.

DRAFT

MICROFILMED

JUN 25 1999

DRAFT

**DRAFT OF PERMIT
NO. 45-07741**

CONDITIONS OF APPROVAL AND REMARKS

9. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
10. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
11. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
12. The right holder shall maintain control of 28 acres of irrigation water in the Burley Irrigation District for mitigation purposes and shall comply with the terms of mitigation as the terms may be determined in the future by the department.
13. This right when combined with all other rights shall provide no more than 0.04 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
14. Place of use is locally known as Burley High School.

DRAFT

MICROFILMED

JUN 25 1999

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*****
*                                     P. 01 *
*                                     *
*          TRANSACTION REPORT          *
*                                     *
*                                     MAY-25-99 TUE 02:24 PM *
*                                     *
*   DATE  START  RECEIVER      TX TIME PAGES TYPE      NOTE      M# *
*   ----- *
*   MAY-25 02:22 PM 912086783723---80935 1'47"    4  SEND      OK      *
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 JUN 25 1999

MINUTES OF THE ANNUAL MEETING OF THE BOARD OF TRUSTEES OF JOINT SCHOOL DISTRICT NO. 151 HELD AT THE SCHOOL CENTRAL OFFICE ON MONDAY, JULY 20, 1998 AT 7:00 P.M.

BOARD MEMBERS: Bruce Bowen
Connie Meade
David Pickett
Tim Preston
Neal Jeppesen

Chairman
Vice-chairman
Zone 1
Zone 2
Zone 3

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MAY 20 1999

Department of Water Resources
Southern Region

ADMINISTRATORS: Tom Morley
Jerry Doggett
James Pehrson

Superintendent
Asst. Superintendent
Clerk/Treasurer

RECEIVED

MAY 21 1999

Department of Water Resources

LEGAL ADVISOR: Doug Whipple
SECRETARY: Janice Hoskins
NEWS MEDIA: Mary Lynne Bristol
David Lee
Marge Owens

District Public Relations
Times News
Idaho Press

GUESTS: Mitch Bausman, Owner's Rep., Patricia Williams & Carolyn Hondo, CCEA
Darrell Hatfield, Miriam Spencer, Marge Woodhouse, Mary Alice Telford,
and Becky Gummerson all coordinators, Warren Parrish, Vo/Ag
Committee, and Mike Telford.

INVOCATION: Jim Pehrson

**MOTION TO APPROVE MINUTES OF JUNE 08, 1998 as presented. Moved – Tim Preston;
seconded – Connie Meade. Motion carries.**

**MOTION MADE TO APPROVE PAYMENT OF BILLS: Moved– David Pickett; seconded– Neal
Jeppesen. Motion carries.**

Warren Parrish was present to address the Board regarding the Vo/Ag building. Said that plans were not consistent among members of the committee and the district. Plans are being changed, and some items are not being completed as to the plans, i.e. electricity, windows, telephones, etc. Said that these things cannot be done without a change order, and that's an extra cost to the taxpayer. Bruce suggested that Warren compile a list of those items, and for Jim to set up a meeting later this week.

Jim Pehrson swore in David Pickett for another three-year term in zone 1, and Tim Preston for another three-year term for zone 2.

Doug Whipple then took a few minutes for Board reorganization. **MOTION MADE FOR
BRUCE BOWEN TO SERVE AS CHAIRMAN OF THE BOARD. Moved – Tim Preston;
seconded – David Pickett. Motion carried. MOTION MADE TO APPOINT CONNIE MEADE
AS VICE CHAIRMAN OF THE BOARD. Moved – Bruce Bowen; seconded – Neal Jeppesen.
MOTION MADE TO APPOINT NEAL JEPPESEN AS VICE CHAIRMAN OF THE BOARD.
Moved – Tim Preston; seconded – David Pickett. Motion carried. Because of two nominations
for the Board vice Chairman, the Board had to vote. Neal Jeppesen was voted as the new
vice**

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JUN 25 1999

MNA336

45-07741

Chairman of the Board. MOTION MADE TO APPOINT **JIM PEHRSON AS CLERK AND TREASURER OF THE BOARD**, AND FOR DR. MORLEY TO BE THE ASSISTANT TREASURER. Moved - Connie Meade; seconded - Tim Preston. Motion carried. MOTION MADE TO CONTINUE BOARD MEETINGS ON THE SECOND MONDAY OF THE MONTH. Moved Neal Jeppesen; seconded Connie Meade. Motion carries.

Mitch gave his monthly construction update: BHS - The gym basketball backstops and sound speakers will be installed next week. The exterior painting is expected to be completed by the end of July. The divot and tile detail will be finished by the end of next week. The wires for the telephones and data are expected to be pulled by July 17th. Mill work is being done. Grass has started to come up, and we are still on schedule. Tech Center - The Tech Center is substantially complete. The rough grading is complete and landscaping will start July 24th. Vo/Ag The interior walls are up and plywood is on the classroom and tool room walls, with the first layer of sheet rock on the shop walls. The insulation is 98% complete. The exterior walks will be done week of July 17. Asphalt is scheduled for the following week. OHS - By the end of July problem items should be cleared up. DHS - Several areas in the school needed some attention so Mike wrote a letter to Bateman Hall. Bateman/Hall then sent letter to all subs affected. The carpet was addressed by the company offering the district \$4,600 cash and doubling the warranty.

Summary of Computer Bids for the Tech Center. Enclosed in the packet was a recap of the final computer bids for the Tech Center. After some discussion, MOTION WAS MADE TO ACCEPT THE BIDS AS THEY WERE PRESENTED: Moved - Connie Meade; seconded - David Pickett. Motion carries.

**CASSIA REGIONAL TECHNICAL CENTER
COMPUTER BID SUMMARY**

Bids opened June 15, 1998

(Bidders are listed in the first box of each column)

	Idaho Instrument	Connor Creek Computers	Greener Valley Computers	Sawtooth Technology		
ITEM A	34973.00	32595.00	32745.06	37474.00		
41 Comp.	853.00 ea.	795.00 ea.	798.66 ea.	798.66 ea.		
ITEM B	9740.00	9150.00	9203.80	10680.00		
10 Comp.	974.00 ea.	915.00 ea.	920.38 ea.	1068.00 ea.		
ITEM C	No Bid	21200.00	18084.16	23728.00		
16 Comp.		1325.00 ea.	1130.26 ea.	1483.00 ea.		
ITEM D	No Bid	1450.00	1334.66	1605.00		
1 Comp.						
ITEM E	No Bid	1220.00	1029.15	1354.00		
1 Comp.						
ITEM F	No Bid	2560.00	2266.52	2922.00		
2 Comp.		1280.00 ea.	1133.26 ea.	1461.00 ea.		
ITEM G	No Bid	3660.00	3639.80	3408.00		
1 Plotter						
ITEM H	No Bid	2250.00	2273.64	2220.00		
6 Printers		375.00 ea.	378.94 ea.	370.00 ea.		
ITEM I	No Bid	1515.00	1432.63	1367.00		
1 Printer						
ITEM J	No Bid	810.00	729.59	699.00		
1 Printer						

Total Package \$72,153.49

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MNA336

MOTION WAS MADE FOR MIKE MATTHEWS TO ATTEND THE IDAHO HIGH SCHOOL ACTIVITIES ASSOCIATION MEETING IN MAUI, HAWAII FROM OCTOBER 8-14, 1998. These expenses are paid for by the association, and would be of no cost to the district. Moved – Connie Meade; seconded David Pickett. Motion carries.

Jerry Doggett, Darrell Hatfield, Marge Woodhouse, Becky Gummerson, Miriam Spencer and Mary Alice Telford were all present to report on their Chicago trip regarding how the Brain Works. The team came to the Board meeting and had very high reports on the weeklong workshop. They all took time to thank the Board and appreciated the opportunity to attend this workshop. This was the second series of the Block Scheduling, and they are already looking forward to the third session.

Newcomer's Center – Dr. Morley gave a brief update. Irma has recommended Delores Marlowe as a second teacher for the center. Plans are being finalized for the center to be housed at Southwest until the new Burley High School is complete.

Jim gave an overview of the budget. Emphasized that the district is running with a positive cash flow, but because of the reduction in units, the district has had less money coming from the state. Jim stated that "schools may have to tighten their purse strings." Jim also emphasized that the district will maintain the 5% contingency level, and that it will roll over to the 1998-99 school year.

Kloepfer Construction was asked for an approximate cost on an asphalt project at the Oakley High School to be located west of the gym for extra parking. This project would be done in two phases; gravel the first year and apply the asphalt the next year. The bid should be in by July 24th.

MOTION MADE TO REJECT THE BIG VALLEY BID BECAUSE OF THE NON-RESPONSIVE PROPOSAL. Moved – Connie Meade; seconded – David Pickett. Motion carries.

MOTION MADE TO ACCEPT KIMBERLY NURSERY AS THE BIDDER FOR SPRINKLER SYSTEM AT DECLO HIGH SCHOOL. Moved – Connie Meade; seconded – Neal Jeppesen. Motion carries.

MOTION TO CALL FOR BIDS FOR GRASS AT THE DECLO HIGH SCHOOL THE WEEK OF JULY 20, 1998. Moved – Connie Meade; seconded – David Pickett. Motion carries.

EXECUTIVE SESSION 8 :35: Moved – Connie Meade; seconded – Neal Jeppesen to go into executive session in accordance with Section 67-2345 Idaho Code to discuss real estate, personnel, litigation. Voting aye: David Pickett, Tim Preston, Neal Jeppesen, Connie Meade and Bruce Bowen. Motion carries.

REGULAR SESSION 9:50: Moved – Connie Meade; seconded – Neal Jeppesen. Voting aye: David Pickett, Tim Preston, Neal Jeppesen, Connie Meade and Bruce Bowen. Motion carries.

Declo High School has requested to take out grassy area and put in more parking. The Board agreed to wait to do this until all other construction in the district had been completed.

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MOTION MADE TO APPROVE THE FOLLOWING HIRES: Moved – Tim Preston; seconded – David Pickett. Motion carries. Rosaleen Lear - OHS, Lane Kirkland - OHS, John Mikota – White Pine, Robert Hunt – DHS, Amy Kelsey – DJHS, Keith Snow – Mt. View, Delores Marlowe – Newcomer's Center, Jeremy Qualls – RRHS, Becky Hitt – Albion, Mary Alice Telford – RRHS Principal, Rena Bovee – RRHS and Shane Ogden – BHS.

MOTION MADE TO APPROVE THE FOLLOWING RESIGNATIONS: Moved – Neal Jeppesen, seconded – Connie Meade. Motion carries. Lee Braegger – DES, Doug Bailey – RRHS, Lanette Smith Harmash – RRHS, Kimberli Krumm – BHS, Scott Hendrix – DHS, and Janice Garcia – DHS.

MOTION TO ACCEPT THE NEGOTIATIONS AS AN AGREEMENT, SUBJECT TO THE APPROVAL OF THE CCEA'S ACCEPTANCE. Moved – Neal Jeppesen; seconded – David Pickett. Connie Meade abstained. Motion carries.

MEETING ADJOURNED: 10:10


Bruce Bowen, Chairman


James Pehrson, Clerk

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JUN 25 1999

RECEIVED

MAY 19 1999

FROM: Allen Merritt

Department of Water Resources

DATE: May 17, 1999

APPLICATION FILE 45-07741

IN THE NAME: Joint School District 151

SUBJECT: REVIEW AND RECOMMENDATION

This application proposes the development of a well for early season irrigation of the Burley High School Baseball field. The rate requested is more than 1"/acre since the time available for use is limited to non-use hours. The site is in a ESPA Moratorium area. The application was processed based on the development of a mitigation plan.

MITIGATION PLAN

After receiving the letter proposing to mitigate with BID water I phone Norm Young and we discussed the acceptability of the proposal. We discussed potential conditions of approval which included:

- Require school district to retain current BID shares on the property and not allow transfer or lease of shares off of property.

- Require that BID shares be made available to department for use in a future recharge project.

Norm asked that the BID be contacted and involvement of BID shares as mitigation be discussed. On 5/14 I talked with Randy Bingham and informed him of the school district's application and their plan for mitigation. He thought it foolish to be watering as early as 3/1 but indicated that the Burley Golf Course has various sources that allow them to essentially do the same thing. He indicated that he had no problem with requiring the school to keep the shares on the property. He indicated that in past on other school property they have sold the shares off. He did not have a great problem with the concept of the second condition but he did have some reservations. We finally agreed that once the conditions were finalized that he would be informed via fax or mail so that his attorney would have an opportunity to review them. I told him that the state office could make that communication.

ANALYSIS

Since the groundwater is proposed to be used on the same lands as BID water currently irrigates and shares are to be maintained there, it is logical in light of 42-228 that groundwater should be allowed to be developed and used and be under the control of the water district.

The season of use requested is 3/1 to 10/31. I talked with Jeff Peppersack and he indicates for Burley the 90th percentile for

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JUN 25 1999

irrigation is 3/20 (Meaning that in 1 out of 10 seasons irrigation is required before 3/20, in all other seasons it is required after 3/20). Our current revised season for the Burley area is 3/15. 3/1 appears unjustified so I recommend the 3/15 to 11/15 as the season of use. This will still allow irrigation before the normal delivery season of the BID.

Application processing memo #60 allows excess flow for golf courses, schools, parks, etc. The rate requested is for 2"/acre or for 12 hrs out of every 24hrs. This appears reasonable in the situation of a school.

RECOMMENDATION

I recommend that the permit be approved subject to the following conditions:

- All BID shares on subject land be maintained on property and delivered in full and used to the maximum extent possible for irrigation during the normal delivery season of the BID. The use of groundwater is only authorized during the early irrigation season or late irrigation season between the dates of 3/15 to 11/15 when delivery of BID shares is not possible. When BID shares are deliverable groundwater use must cease.
- The use of groundwater is under the control of the BID.
- A portion of the shares in BID maintained by the School District 151 must be made available to the department on request for use in a future recharge plan, if ever implemented, to replenish groundwater in the area of the City of Burley. Said recharge plan will allow the direct mitigation of the use of the groundwater well.
- Subject to drilling permit requirement.
- A measuring device and totalizing meter be maintained at well and use reported through the BID to the department.

I recommend that these conditions be reviewed by ADMINISTRATION and that BID be allowed to comment or be provided a copy of preliminary order.

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JUN 25 1999

RECEIVED

MAY 13 1999

Department of Water Resources
Southern Region



CASSIA COUNTY SCHOOL DISTRICT 151

DR. THOMAS F. MORLEY, SUPERINTENDENT

237 EAST 19TH STREET • BURLEY, ID 83318-2444 • (208) 678-6600 • FAX (208) 678-4231

February 24, 1999

Mitigation Plan and Flow Rate Information Joint School District 151 Cassia, Twin Falls and Oneida Counties New Burley High School Site

Joint School District 151 has purchased 48 acres of land in close proximity to Park Ave in Burley for the purpose of building a new 850-student high school.

The district has requested an irrigation well permit to assist in the irrigation of the grounds. The ground purchased has surface water rights. The well water will be used for approximately 10 to 20 days both before and after the water is in the canal.

Our mitigation plan is that though we have 48 acres of ground purchased with accompanying water rights, approximately 58% or 28 acres is under either asphalt or actual constructed buildings. The water for this acreage will never be used. The amount of well water used will be far less than the surface water unused for ground under construction.

The district has also asked for a diversion rate of 0.80 cfs (0.04 cfs per acre). Our need for this flow rate is because all of the ground must be watered between the hours of 9:00 p.m. and 7:00 am. No water would be used during other hours of the day.

James L. Pehrson
Clerk of the Board/Treasurer

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AN EQUAL OPPORTUNITY EMPLOYER JUN 25 1999

Faint

APPLICANT: School Dist #151
Burley

WATER RIGHT NO. 45-07741

MICROFILMED
JUN 25 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

May 12, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN JAMES L PEHRSON
JOINT SCHOOL DISTRICT 151
237 EAST 19TH STREET
BURLEY ID 83318

RE: APPLICATION FOR PERMIT NO. 45-07741

Dear Mr. Pehrson:

Legal advertising has been completed on the above referenced application with no protests filed against the application.

On two previous occasions (2/23/99 & 3/16/99), our office has requested a written mitigation plan and additional information regarding an excessive irrigation diversion rate but none have been submitted.

Failure to supply the requested information within 30 days from the date of this letter could result in a regional recommendation that the application be declared void.

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

Very truly yours,

Allen D. Merritt, P.E.
Regional Manager

AM:MB

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JUN 25 1999

**SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION**

County of Cassia)
) ss
STATE OF IDAHO)

Ruth Holmes, being first duly sworn, deposes and says that she is the Legals clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for 2 consecutive week(s), commencing with the issue dated April 5 1999 and ending with the issue dated April 12 1999.

Ruth Anne Holmes

STATE OF IDAHO)
COUNTY OF)
Cassia)

On this 12th day of April in the year of 1999 before me, a Notary Public, personally appeared Ruth Holmes, known or identified to me to be the person whose name is 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.

Janak Burns
Notary Public for Idaho

Residing at: Rupert, Idaho

My commission expires: 6-28-2000

Cost of Publication 64.68
Affidavit Fee 5.00
Total Cost 69.68

OK
MB
4/16/99

MICROFILMED
JUN 25 1999

RECEIVED
APR 13 1999
Department of Water Resources
Southern Region

**NOTICE OF APPLICATION FOR
WATER PERMIT**

The following application has been filed
to appropriate the public waters of the
State of Idaho:

JOINT SCHOOL DISTRICT 151

237 E 19TH STREET

BURLEY ID 83318

Application for Permit No. 45-07741

Source: groundwater

Diversion Pt(s): SE1/4NE1/4 or
NE1/4SE1/4, S30, T10S, R23E; (exact
location unknown, only one well will be
drilled); Cassia County.

Use: irrigation (0.80 cfs) 3/1-10/31
In: Ten (10) acres within SE1/4NE1/4
and ten (10) acres within NE1/4SE1/4,
S30, T10S, R23E; Cassia County for
school ballfields.

Date Filed: 11/12/98

The application proposes to divert
groundwater from the "Eastern Snake
Plain Aquifer" presently under a
moratorium order dated April 30th,
1993. The order allows the Director to
consider on a case-by-case basis
applications if it can be shown the
development will have no effect on prior
surface and groundwater rights because
of its location, insignificant
consumption, or mitigation by the
applicant to offset injury to other
rights. The applicant intends to submit
a mitigation plan as part of the
application. The permit, if approved,
will be subject to all prior water rights
and to the mitigation plan. Any protest
against the proposed application must
be filed with the Department of Water
Resources, Southern Region, 1341
Fillmore St., Suite 200; Twin Falls, ID
83301 together with a protest fee of
\$25.00 on or before April 23, 1999 to be
considered by the Department in its
decision to grant or deny any part of
the proposed application. The
protestant must also send a copy of the
protest to the applicant.

Karl J. Dreher, Director

Published in South Idaho Press on 04/05
& 04/12/99.

99-111

**NOTICE OF APPLICATION FOR
WATER PERMIT**

The following application has been filed
to appropriate the public waters of the
State of Idaho:

JOINT SCHOOL DISTRICT 151

237 E 19TH STREET

BURLEY ID 83318

Application for Permit No. 45-07741

Source: groundwater

Diversion Pt(s): SE1/4NE1/4 or
NE1/4SE1/4, S30, T10S, R23E; (exact
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and ten (10) acres within NE1/4SE1/4,
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application. The permit, if approved,
will be subject to all prior water rights
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Resources, Southern Region, 1341
Fillmore St., Suite 200; Twin Falls, ID
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\$25.00 on or before April 23, 1999 to be
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decision to grant or deny any part of
the proposed application. The
protestant must also send a copy of the
protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on April 5
and 12, 1999.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

March 16, 1999

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**ATTENTION-LEGALS
SOUTH IDAHO PRESS
230 EAST MAIN ST
BURLEY ID 83318**

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

**Mary Baldwin
Administrative Assistant**

Enclosure

MICROFILMED

JUN 25 1999

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

JOINT SCHOOL DISTRICT 151
237 E 19TH STREET
BURLEY ID 83318

Application for Permit No. 45-07741

Source: groundwater

Diversion Pt(s): SE1/4NE1/4 or NE1/4SE1/4, S30, T10S, R23E; (exact location unknown, only one well will be drilled); Cassia County.

Use: irrigation (0.80 cfs) 3/1-10/31

In: Ten (10) acres within SE1/4NE1/4 and ten (10) acres within NE1/4SE1/4, S30, T10S, R23E; Cassia County for school ballfields.

Date Filed: 11/12/98

The application proposes to divert groundwater from the "Eastern Snake Plain Aquifer" presently under a moratorium order dated April 30th, 1993. The order allows the Director to consider on a case-by-case basis applications if it can be shown the development will have no effect on prior surface and groundwater rights because of its location, insignificant consumption, or mitigation by the applicant to offset injury to other rights. The applicant intends to submit a mitigation plan as part of the application. The permit, if approved, will be subject to all prior water rights and to the mitigation plan. Any protest against the proposed application must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before April 23, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in South Idaho Press on 04/05 & 04/12/99.

MICROFILMED

JUN 25 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

March 16, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN JAMES L PEHRSON
JOINT SCHOOL DISTRICT 151
237 EAST 19TH STREET
BURLEY ID 83318

Re: Application for Permit No. 45-07741

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the South Idaho Press for 04/05 & 04/12/99. A period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

As requested in our correspondence dated February 23, 1999 a written mitigation plan and additional information regarding an excessive irrigation diversion rate are also needed before the application can be routed to our State Office for final action.

State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. If a permit is issued, you will be sent a copy.

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

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

MICROFILMED

JUN 25 1999

MEMORANDUM

TO: Joint School District 151 Application for Permit File
FROM: Corey Skinner *CS*
DATE: February 23, 1999
SUBJECT: Staff Review

The enclosed application, filed in the name of Joint School District 151, seeks to obtain an irrigation water right from a groundwater source. The proposed point of diversion and place of use is located on property that the school district owns near the southwest corner of the City of Burley. The remarks section of the application indicates that the water will be used to irrigate ball fields and that the water is required for the period during the irrigation season when BID (Burley Irrigation District) water is unavailable. In addition, the application seeks a high flow rate (0.80 cfs for 20 acres of irrigation).

Upon initial review, it appears that the application should be subject to the Snake River Basin Moratorium, since it seeks a new appropriation of water for consumptive uses. I discussed this matter with Jim Pehrson, of the school district, and he said that a mitigation plan would be developed. Therefore the application was determined to be processible, pending the submittal of a mitigation plan. In addition, I discussed some other issues regarding the enclosed application with Mr. Pehrson. Some of these issues were reiterated to Mr. Pehrson in a 02/23/99 letter (copy enclosed). The application should be fairly straightforward, but some additional items may need further discussion and possible clarification.

The application proposes establishing a new irrigation ground water right with a period of use of 03/01 to 10/31. The standard irrigation season for the area has been determined to be 04/01 to 10/31. As previously mentioned, the application states that the groundwater will be used outside of the BID delivery season. The BID indicated that their operating season runs from 04/01 to 10/31. However, they also indicated that they typically begin water deliveries between 04/10 and 04/15 and shut off deliveries about 10/15 of each year, depending on the weather. Based on this information it appears that if the enclosed application were approved as proposed, groundwater could be diverted, and used for irrigation, for at least 1½ to 2 months per year. Of this 1½ to 2 month period, a month of use would occur outside of the standard irrigation season for the area.

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JUN 25 1999

45-07741

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Joint School District 151 Application for Permit Memo
February 23, 1999

An examination of the Department's records indicated that there are some other water rights, and points of diversion, in the vicinity of the area involved with the enclosed application. It appears that a couple of the City of Burley's wells (see claims A45-04098 and A45-11133) are located in the vicinity and at least one domestic well appears to be located in the same general area, also. In addition, Keith Bryan of the City of Burley indicated that the property associated with the enclosed application (location of POD and POU) falls within the Burley city limits.

Examination of the enclosed application reveals that the proposed water use would be subject to the Snake River Basin Moratorium, but the applicant is in the process of preparing a mitigation plan. Since a mitigation plan is in the works, once the Department receives the plan, it should be reviewed carefully to insure that the mitigation plan is adequate and that approval of the enclosed application does not injure existing rights, and would be consistent with the moratorium. If necessary, adequate approval conditions may need to be implemented.

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JUN 25 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 23, 1999

James L. Pehrson
Joint School District 151
237 East 19th Street
Burley, ID 83318

Dear Mr. Pehrson:

This letter is to reiterate today's telephone conversation regarding the Application for Permit that was submitted in the name of the Joint School District 151. As you recall, this application was filed in an attempt to secure a water right to allow the school district to use well water for irrigation use at the new high school located near the southwest edge of Burley.

As we discussed during our telephone conversation, the Snake River Basin Moratorium prevents the Department from processing applications for new water rights for consumptive uses of water. Since irrigation is considered a consumptive use, it appears that the application that the school district submitted would be subject to the moratorium. However, as we discussed, an application can be processed, and perhaps eventually approved, if an acceptable mitigation plan is submitted with the application. A mitigation plan is basically a written plan describing how the applicant proposes to mitigate any potential injury to other water rights due to the new consumptive use(s) associated with the applicant's proposal. During our conversation, you indicated that you would develop a mitigation plan and submit it to our Department to accompany the school district's application. Therefore, our office will continue processing of the school district's application, despite the moratorium, based on the impending submittal of a proposed mitigation plan.

As you recall, I also suggested that the school district may want to submit additional information regarding the need for a diversion rate of 0.80 cfs for the irrigation of 20 acres (0.04 cfs per acre). Idaho law (§42-220, IDAHO CODE) limits the use of irrigation water to no more than one second foot of water for each fifty acres of irrigated land (0.02 cfs per acre), unless it can be shown to the Department's satisfaction that a greater rate is necessary.

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45-07741

February 24, 1999

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In addition, you indicated that you signed the application on behalf of the school district. Applications for Permit submitted by corporations, companies, municipalities, or other organizations must be signed by an individual authorized by the organization to sign the application. A letter from the school board authorizing you to sign on their behalf, or a listing that lists you as one of the school board officers, should also be submitted to accompany the school board's application.

During a previous telephone conversation, you indicated that you did not have a copy of the school board's Application for Permit. I have included a copy of the application for your reference. You will be notified in the near future of when the school board's application will be advertised in the local newspaper as part of the public notice phase of the processing of the application.

If you have any questions, or if I can be of any assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Corey Skinner".

Corey Skinner, EIT
Dam Safety Section

Enclosure

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JUN 25 1999

CITY CLERK'S OFFICE (208 678-2446)
MAYOR'S OFFICE (208 678-2446)



HUB OF IDAHO'S INDUSTRY
P.O. BOX 1880
BURLEY, IDAHO 83818

=== COVER PAGE ===

TO:

Cory Skinner

FAX: 208-736-3037

FROM:

Keith Bryan

FAX: 208-678-2446

TEL: 678-2224

/ 00 PAGE[S] TO FOLLOW

COMMENT:

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JUN 25 1999

45-07741

RECEIPT IS FROM THE STATE FILE

SD-0201-1

Idaho Department of Water Resources
Receipt Entry

Date: 02/11/99

Time: 08:44:59

Receipt No: C043887 AR No: _____ Date: 11/12/1998 Payoff Part of Acct? N
From: PRESTON, TIM _____ Payment Type: CK CHECK Doc No: 2670__
Remarks: _____

Description	Fund	FD	PCA	Obj	Subsid	
APPLICATION FOR PERMIT	229	21	56103	1155		100.00
Total Amount:						100.00

(Enter=Inq) (GOLD1=Add/Print) (GOLD2=Change) (GOLD3=Void) (GOLD5=Laser Print)
(GOLD6=Print 2nd Copy) (GOLD7=Enter WR Nos) (GOLD8=Cancel) (Menu _____)

Permit (Extension)

Assignment, Protests / Petition to Intervene

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JUN 25 1999