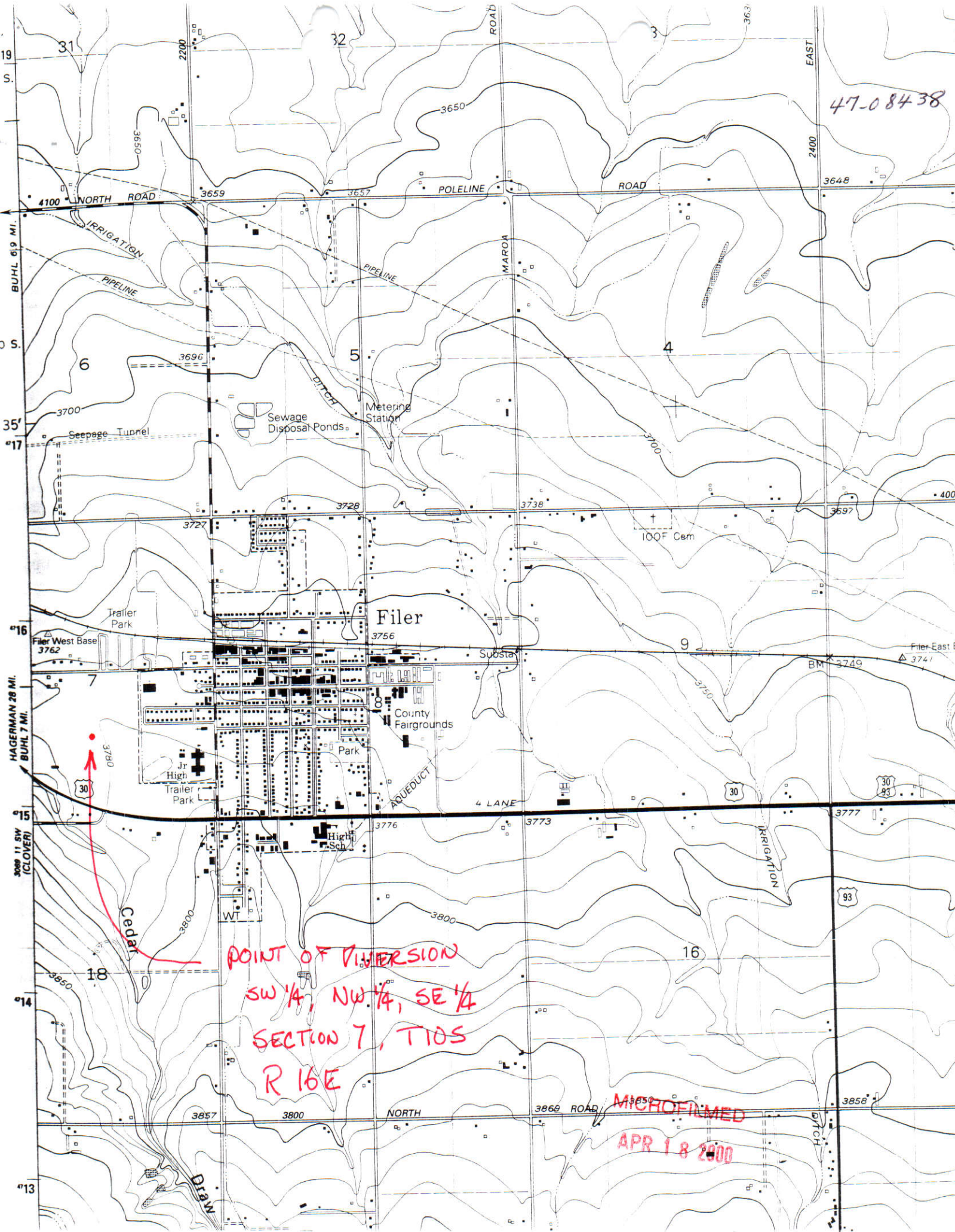


47-08438



POINT OF DIVERSION
SW 1/4, NW 1/4, SE 1/4
SECTION 7, T10S
R 16E

MICROFILMED
APR 18 2000

A47-04144
 Filer
 47-08438

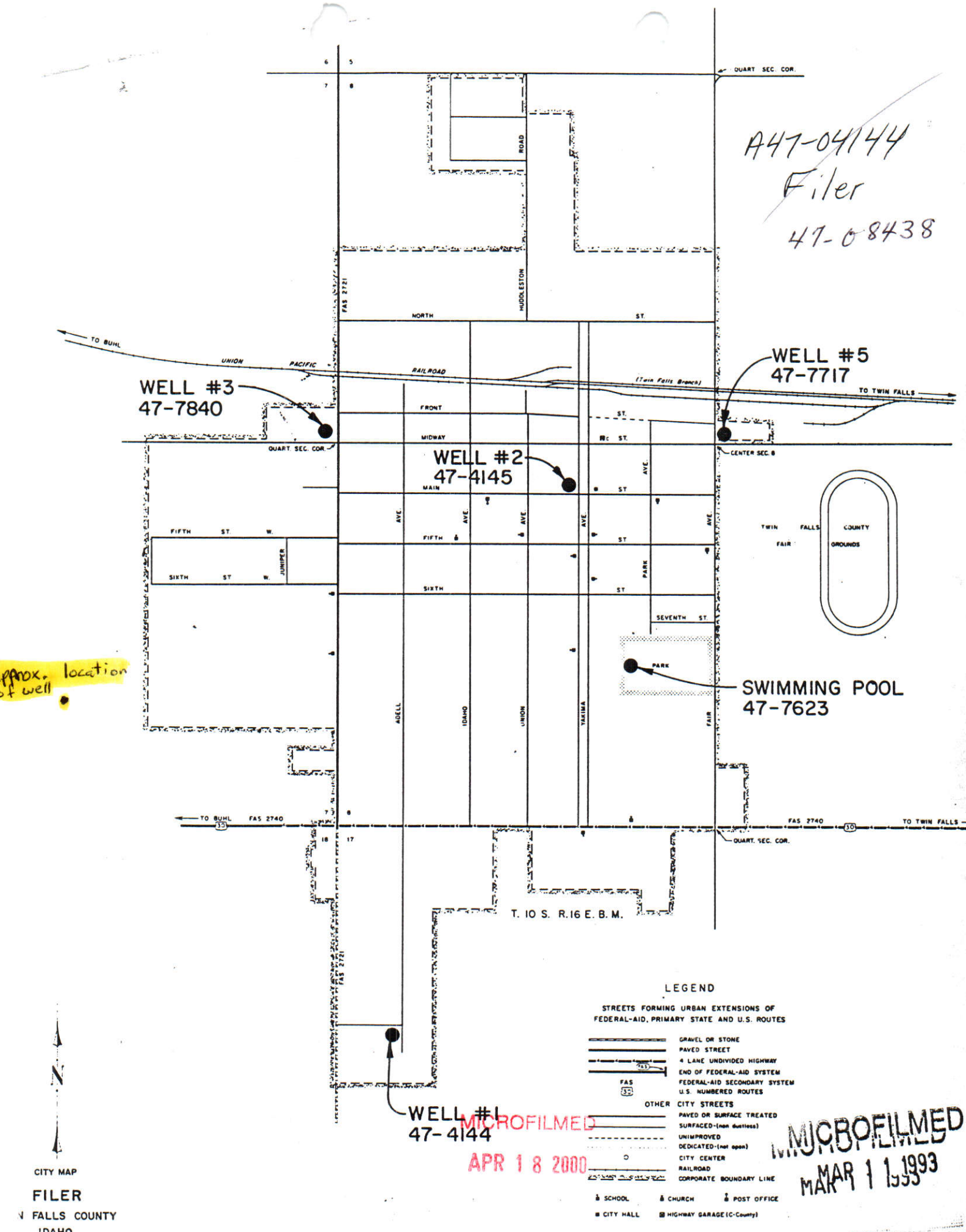
WELL #3
 47-7840

WELL #5
 47-7717

WELL #2
 47-4145

SWIMMING POOL
 47-7623

Approx. location
 of well

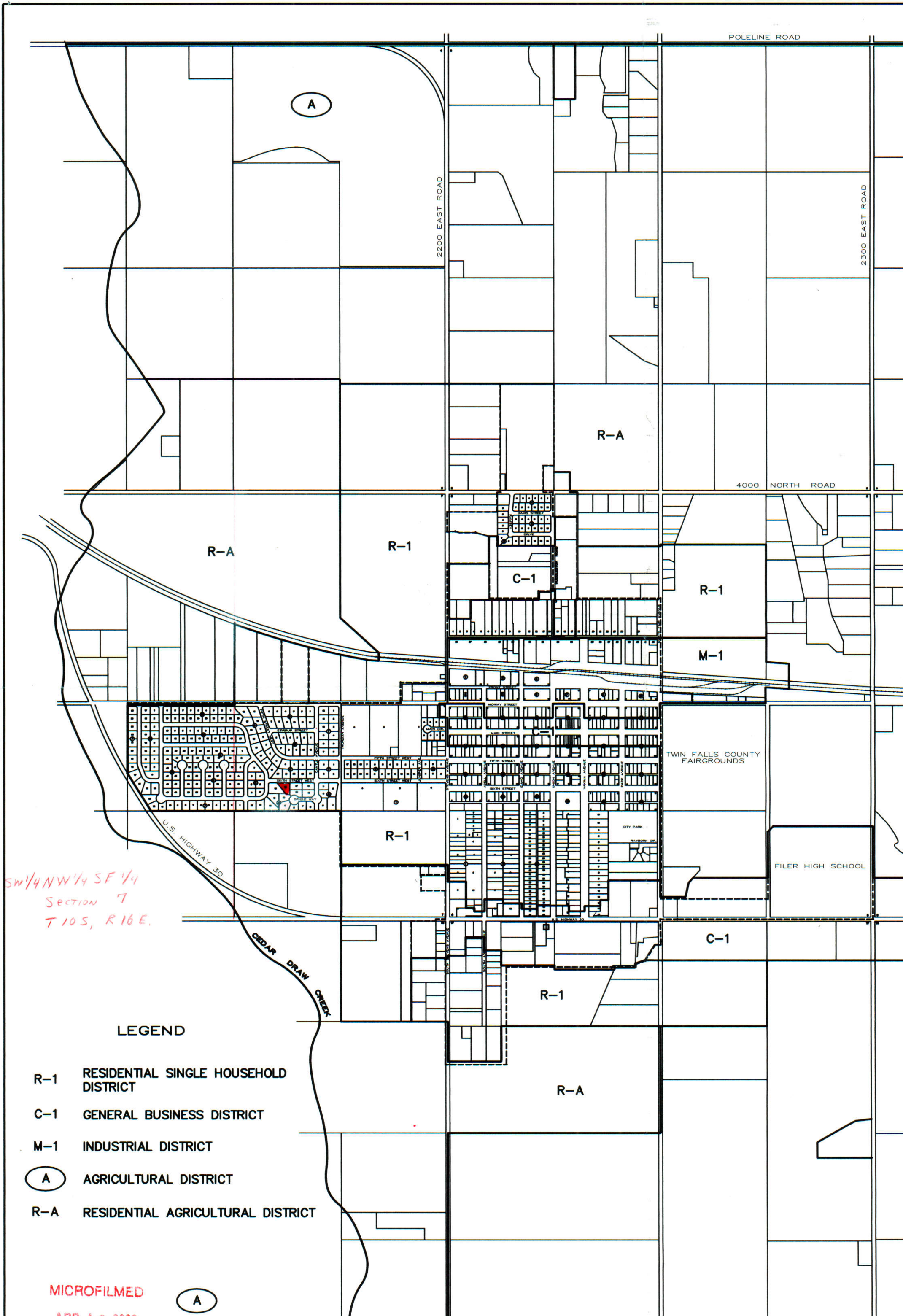


LEGEND

- STREETS FORMING URBAN EXTENSIONS OF
 FEDERAL-AID, PRIMARY STATE AND U.S. ROUTES
- GRAVEL OR STONE
 - PAVED STREET
 - 4 LANE UNDIVIDED HIGHWAY
 - END OF FEDERAL-AID SYSTEM
 - FEDERAL-AID SECONDARY SYSTEM
 - U.S. NUMBERED ROUTES
- OTHER
- CITY STREETS
 - PAVED OR SURFACE TREATED
 - SURFACED (non duttless)
 - UNIMPROVED
 - DEDICATED (not open)
 - CITY CENTER
 - RAILROAD
 - CORPORATE BOUNDARY LINE
- SCHOOL
 - CITY HALL
 - CHURCH
 - HIGHWAY GARAGE (C-County)
 - POST OFFICE

WELL #1
 47-4144
 MICROFILMED
 APR 18 2000

MICROFILMED
 MAR 1 1993



POLELINE ROAD

2300 EAST ROAD

2200 EAST ROAD

4000 NORTH ROAD

U.S. HIGHWAY 30

CEDAR DRAW CREEK

LEGEND

- R-1 RESIDENTIAL SINGLE HOUSEHOLD DISTRICT
- C-1 GENERAL BUSINESS DISTRICT
- M-1 INDUSTRIAL DISTRICT
- (A) AGRICULTURAL DISTRICT
- R-A RESIDENTIAL AGRICULTURAL DISTRICT

MICROFILMED

(A)

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 4/7/00

No. 47-08438 Name: City of Files Corp. Officers _____ Ad ok ☒ Govt Lots _____

AREA OF CONCERN: No/Yes 251A Moratorium TF GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

WMD

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag - NA
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 4 / 01 / 2002

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response _____
In/Above MSF - WB9
PLANNING SECTION REVIEW/RESPONSE _____
In-stream development - P52
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

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

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59 ? Golden Spur Subd.
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map)

OTHER CONDITIONS/REMARKS File w/in Service area of City of Files.

COMMENTS _____

City of Filer

- Mayor's signature
- Area of use is: within city of Filer distribution system

10 S 16 E Sec 7 SW NW SE

~~POU~~ overlap POU	A47-10721	}	Domestic / stock
	A47-11128		
	A47-04144	}	City of Filer * see attached map
	A47-04145		
	A47-07717		
	A47-07840		

POU overlap

(Searched under City of Filer)

A47-07623 } City of Filer
* see attached map

47-02399	Muni
47-04144	Muni / Fire
47-04145	Fire
47-07171	zero'd out
47-07273	Domestic
47-07717	Muni
47-07840	Muni / Fire

MICROFILMED

APR 18 2000

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

47-08438

CITY OF FILER
300 MAIN (PO BOX 140)
FILER, ID 83328

Source: GROUNDWATER
Diversion Pt: SWNWSE
Sec 7 T 10S R 16E in TWIN
FALLS County.

Use: MUNICIPAL
(0.670 CFS)

Total Diversion:
(0.670 CFS)

Date Filed: 2/11/2000

The permit(s) will be
subject to all prior water
rights. Any protest must be
filed with the Director, Dept.
of Water Resources, South-
ern Region, 1341 Fillmore
St., Suite 200; Twin Falls,
ID 83301 together with a
protest fee of \$25.00 on or
before MARCH 20, 2000.
The protestant must also
send a copy of the protest
to the applicant.

Karl J. Dreher, Director

PUBLISH: March 2 and 9,
2000

RECEIVED

MAR 13 2000

Department of Water Resources
Southern Region

Affidavit of Publication

STATE OF IDAHO
COUNTY OF TWIN FALLS } SS.

No 33258

I, Ruby Underhade being first duly sworn upon oath, depose
and say that I am principal clerk of the TIMES-NEWS, published daily, at
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
clipping attached, was published in the regular and entire issue of said newspaper, and not in any
supplement thereof, for two consecutive weeks,
commencing with the issue dated March 2, 192000,
and ending with the issue dated March 9, 192000.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except
Monday, both of which newspapers prior to consolidation had been published under said names in said city and county
continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since
such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said
newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be
published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each
issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 10th day of March in the year of 2000, before me,
a Notary Public, personally appeared Ruby Underhade,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly
sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Heva R. Feltman
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5/19/2000

MICROFILMED

APR 18 2000

RECEIVED

MAR 13 2002

For Office Use Only
\$50 Fee Received by \$50.00
Date 3-13-02
Receipt No. 2060427

Department of Water Resources
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

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

Permit No. 47-8438

Name(s) of Permit Holder: City of Filer

Mailing Address: 300 Main, P.O. Box 140, Filer, ID 83328

Date Proof is Due: April 1, 2002

Telephone No. 208-326-5000

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

There has been a test well drilled and tested at the location referenced on
the permit.

Costing \$ 20,000±

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

Quality issues have prevented the development of this well. Plans are
currently being carried out to develop a new well in a different location.

Transfer request to follow.

Permit holder(s) request an extension to April 1, 2003.

FEE: \$50.00

(Signature)*

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use is extended
to April 1, 2003.

Signed this 19th day of March, 2002.

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 47-08438

Priority: February 11, 2000

Maximum Diversion Rate:

0.67 CFS

This is to certify, that CITY OF FILER
300 MAIN
PO BOX 140
FILER ID 83328

has applied for a permit to appropriate water from: GROUNDWATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MUNICIPAL	01/01 to 12/31	0.67 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNWSE , Sec. 7, Township 10S, Range 16E
TWIN FALLS County

PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before April 1, 2002.
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. The daily diversion volume for non-domestic uses under this municipal right shall not exceed 2,500 gallons per use and the daily diversion volume for domestic uses under this right shall not exceed 13,000 gallons per dwelling in accordance with Section 42-111, Idaho Code.
6. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
7. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
8. Place of use is within the City of Filer and its surrounding service area.
9. Point of diversion is located within the Golden Spur Subdivision.

MICROFILMED

APR 18 2000

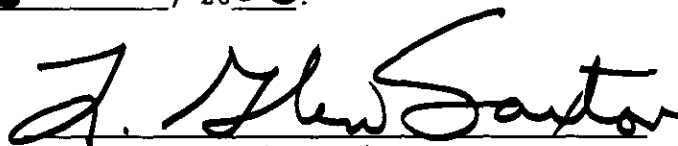
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 47-08438

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

14th day of April, 2000.


for Karl J. Dreher, Director

MICROFILMED

APR 18 2000

RECEIVED

APR 3 2000

Let

Department of Water Resources

FORM 202

2/98 (Internet)

RECEIVED

FEB 11 2000

Department of Water Resources
Southern Region

Ident. No. 47-08438

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant City of Filer Phone (208) 326-5000
Mailing address 300 Main (P.O. Box 140), Filer, Idaho 83328
2. Source of water supply Groundwater which is a tributary of N/A
3. Location of point of diversion is Township 10S Range 16E Sec. 7 in the SW 1/4,
NW 1/4, SE 1/4, Govt. Lot , B.M., Twin Falls County;
additional points of diversion if any:
4. Water will be used for the following purposes:
Amount 0.67 CFS for Municipal purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.67 CFS and/or (b)
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Deep water well with pump
and motor.
 - b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
reservoir capacity N/A acre-feet
 - c. Proposed well diameter is 10" inches; proposed depth of well is 600' feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? 3/99; Drilling firm Elsing Drilling & Pump Co., Inc.;
Well was drilled for (well owner) City of Filer; Drilling Permit No. 47-98-5-0185-801
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to Item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. N/A
 - b. Stockwatering; list number and kind of livestock. N/A
 - c. Municipal; show name of municipality. City of Filer
 - d. Domestic; show number of households. N/A
 - e. Other; describe fully. N/A

MICROFILMED

APR 18 2000

§. Description of place of use:

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

[illegible]**Total number of acres to be irrigated** _____

10. Describe any other water rights used for the same purposes as described above. To be added to current
Water Right(s): 48-7840, 47-7717, 47-4145, 47-4144, 47-7623
11. a. Who owns the property at the point of diversion? City of Filer
b. Who owns the land to be irrigated or place of use? N/A
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make
this filing: N/A
12. Remarks: A test well was drilled at this location in the Golden Spur Subdivision
under permit #47-98-5-0185-801. If the applicaiton is approved, this well will be
developed to provide additional water due to lost capacity from inoperable wells
and increased demand.
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion,
place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

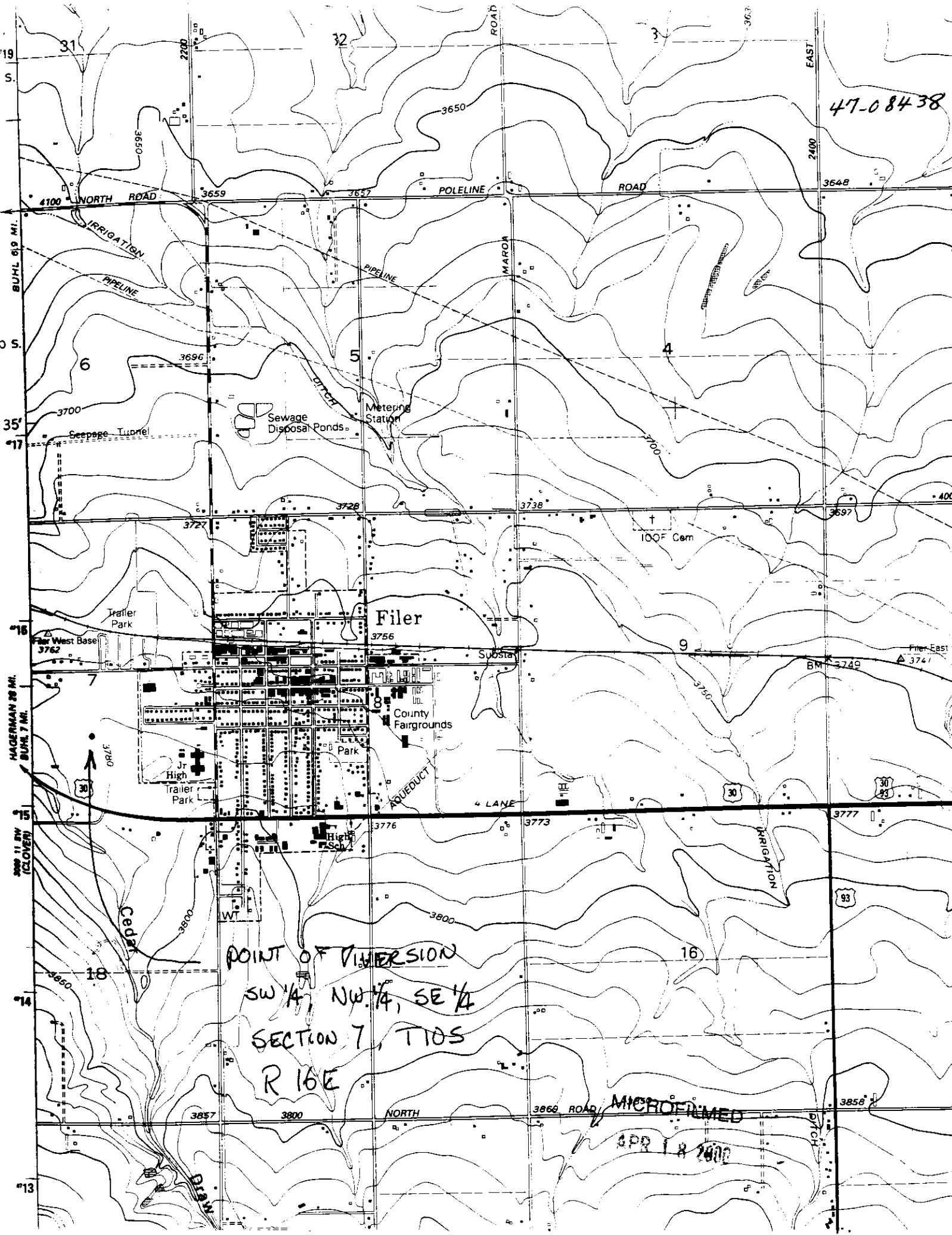
Signature of Applicant (and title, if applicable)

Received by mb Date 2/11/00 Time 3:30 Preliminary check by John Freitag
 Fee \$ 100.00 # 11839 Received by John Freitag # 5022792 Date 2-11-00
 Publication prepared by mb Date 2/22/00 Published in June News
 Publication approved mb Date 3/27/00

MICROFILMED

APR 18 2000

47-08438



POINT OF DIVERSION
SW 1/4, NW 1/4, SE 1/4
SECTION 7, T10S
R 16E

MICROFILMED
APR 18 1960

A47-04144
 Filer
 47-08438

WELL #3
 47-7840

WELL #2
 47-4145

WELL #5
 47-7717

SWIMMING POOL
 47-7623

location

LEGEND

- STREETS FORMING URBAN EXTENSIONS OF
 FEDERAL-AID, PRIMARY STATE AND U.S. ROUTES
- GRAVEL OR STONE
 - PAVED STREET
 - 4 LANE UNIMPROVED HIGHWAY
 - END OF FEDERAL-AID SYSTEM
 - FEDERAL-AID SECONDARY SYSTEM
 - U.S. NUMBERED ROUTES

OTHER CITY STREETS

- PAVED OR SURFACE TREATED
- SURFACED (less than 100 feet)
- UNIMPROVED
- DEDICATED (less than 100 feet)
- CITY CENTER
- RAILROAD
- CORPORATE BOUNDARY LINE

- SCHOOL
- CHURCH
- POST OFFICE
- CITY HALL
- HIGHWAY BARRETS (County)

WELL #1
 47-4144

MICROFILMED

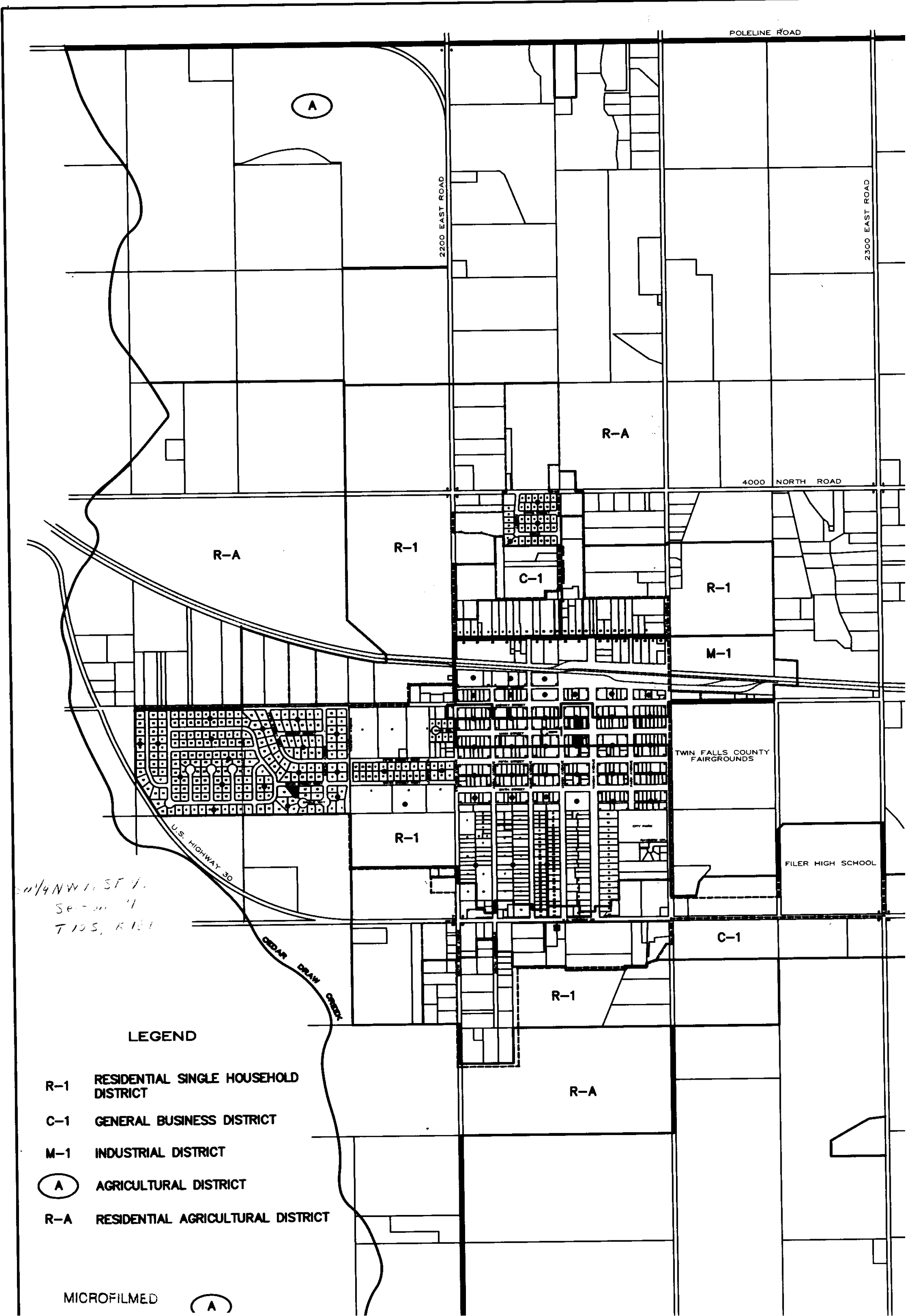
APR 18 2000

MICROFILMED
 MAR 11 1993

CITY MAP

FILER

V FALLS COUNTY
 IDAHO



POLELINE ROAD

2200 EAST ROAD

2300 EAST ROAD

4000 NORTH ROAD

R-A

R-1

C-1

R-1

M-1

TWIN FALLS COUNTY FAIRGROUNDS

FILER HIGH SCHOOL

R-1

C-1

R-1

R-A

LEGEND

- R-1 RESIDENTIAL SINGLE HOUSEHOLD DISTRICT
- C-1 GENERAL BUSINESS DISTRICT
- M-1 INDUSTRIAL DISTRICT
- (A) AGRICULTURAL DISTRICT
- R-A RESIDENTIAL AGRICULTURAL DISTRICT

MICROFILMED

(A)

1/4 NW 1/4 Sec 17
T10S, R10E



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 20, 2002

CITY OF FILER
PO BOX 140
FILER ID 83328

RE: PERMIT NO. 47-8438

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit that extends the time within which to submit proof of beneficial use to **April 1, 2003**. Please note that the department granted the extension based on due diligence. Therefore, it is important that you work diligently towards completion of the project since the department **may not** be able to grant future extension requests based on due diligence.

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

Please contact the department, if you have any questions regarding this matter.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.: 47-8438

Reviewed By: dgibson

Date: March 18, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Request received timely?	X		Is delay by a government agency?		X
Appropriate fee	X		Is supporting documentation needed to support the file?		
Additional Amount Due:					
Receipt No.:	C060624		Has the permit been involved in litigation?		X
Name and signature same as permit?	X		Is supporting documentation needed to support the file?		
Is address same as permit?	X		Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		X
Has adequate work been completed to demonstrate due diligence?	X				

Priority Calculation

Extension request received	03/13/2002	New proof due date	04/01/2003
Date proof due	- 04/01/2002		
Lapse notice sent	-		
No. of days late	= 0		
Holiday allowance	+		
Priority date	+ 02/11/2000		
New priority date	= 02/11/2000		

Action Taken

Acknowledge request for extension and extend proof deadline to April 1, 2003.

January 31, 2002

CITY OF FILER
300 MAIN
PO BOX 140
FILER, ID 83328

PROOF DUE NOTICE

RE: PERMIT NO. 47-8438

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 April 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

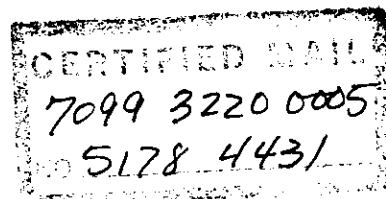
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

Sincerely,

Deborah J. Gibson, Admin. Asst.
Water Allocation Bureau

Enclosures





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

April 14, 2000

CITY OF FILER
300 MAIN
PO BOX 140
FILER ID 83328

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 47-08438

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.

MICROFILMED
APR 18 2000

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

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

Sincerely,



for Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

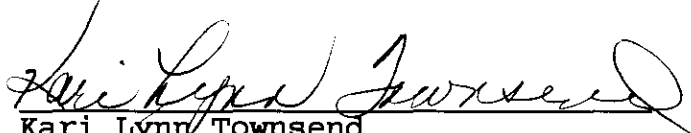
APR 18 2000

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of April, 2000, 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. 47-08438

CITY OF FILER
300 MAIN
PO BOX 140
FILER ID 83328


Kari Lynn Townsend
Secretary

MICROFILMED

APR 18 2000

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 fourteen (14) 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 fourteen (14) 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.

CERTIFICATE OF SERVICE

All documents intended to be part of the Department record in connection with a preliminary order shall be served upon the representatives of each party of record. Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate.

I HEREBY CERTIFY (swear or affirm) that I have this day of _____, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person: (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names)).
(Signature)

MICROFILMED

APR 18 2000

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.

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.

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.

RIGHT TO HEARING

Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Department is otherwise provided by statute, any person aggrieved by any decision, determination, order, or action of the Department or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Department, who is aggrieved by a denial or conditional approval ordered by the Department, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Department to contest the denial or conditional approval upon filing with the Department, within fifteen (15) days after receipt of the denial or conditional approval, a written permission stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

If a preliminary order becomes final, any party aggrieved by the final order or orders previously issued in the 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 (a) a hearing was held, or (b) the final agency action was taken, or (c) the party seeking review of the order resides, or (d) 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. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Sections 67-5270 through 67-5273, Idaho Code.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 4/7/00

No. 47-18438 Name: C. J. Files Corp. Officers _____ Ad ok ☒ Govt Lots _____

AREA OF CONCERN: No ~~flow~~ 85-7A Moratorium TF ~~GWMA~~ ~~TRUST~~/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - ~~046~~ 046
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
~~0.24 cfs/5 acres~~ 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
~~42-248 Area~~ 20s-70s, 81-86
Swan Falls Flag - NA
~~Trust~~ - 051(P74) (consumptive uses)
~~Non-Trust~~ - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 4/10/12002

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
< 1 yr - P16
> 1 yr - ~~264~~ 264
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response _____
In/Above MSF - WB9
PLANNING SECTION REVIEW/RESPONSE _____
In-stream development - ~~P62~~
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (91) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

~~POWER~~ - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
~~MUNICIPAL~~
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple p/d's per 1/4 - W32
Subd lot desc (pd) - ~~W59~~ W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON _____ (Per updated map)

OTHER CONDITIONS/REMARKS

File within Service area of City of Files.

COMMENTS _____

APPLICATION NO. 47-08438

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

RECEIVED

APR 3 2000

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY John Freitag DATE 2-14-00

REQUIRED INFORMATION (Ck if OK)

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners. (Mayor of Filer))
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
☒ County
☒ Quantity (flow &/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. (Within City of Filer Distribution System)
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required) (Mayor of Filer)
☒ Fee
☒ Yes ___ No* In form to receipt?

++++PROPOSED PRIORITY DATE 2-11 2000

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back. see attached
☒ Overlapping point of diversion. see attached
___ Yes ☒ No Is Source Surface Water?
 If Yes Send Copy to F&G.
 If Yes Field check/memo required.
 Field check/memo by _____
___ Yes ☒ No Field report attached?
___ Yes ☒ No Critical Ground water area?
☒ Yes ___ No Groundwater management area? (Twin falls)
___ Yes ☒ No Measurement District or Groundwater District?
 What District? _____
___ Yes ☒ No Send Dam safety information?
___ Yes ☒ No Send power requirement letter?
___ Yes ☒ No Send fish farm requirement letter?
___ Yes ☒ No Power residency affidavit attached?
___ Yes ☒ No Power efficiency form?
___ Yes ☒ No Within trustwater boundary?(If yes, attach trustwater supplementary analysis sheet.
___ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft? (If yes, attach large diversion supplementary analysis sheet.
___ Yes ☒ No Is Application made to record Pre Nov 1987 Development?
 If Yes then request clear evidence of when use started.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____

Date Sent Comments Received

SEND COPIES TO:

☒ Idaho Dept of Health & Welfare	_____	_____
☐ USDI BLM	_____	_____
☐ Idaho Dept of Fish & Game	_____	_____
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☐ Water Dist. No. _____	_____	_____
☐ Adjudication Bureau Unit	_____	_____
_____	_____	_____
_____	_____	_____

PROCESSING ☒ Yes ☐ No In form for Advertising?

☐ Yes ☒ No Statewide Advertising?

☒ Yes ☐ No Fee amount, receipt date & No. recorded?

☐ Yes ☐ No Has all requested additional information been received?

If not, describe action taken: _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received?

☐ Yes ☐ No Application published correctly? If not, record action taken.

☒ Yes ☐ No Publication dates and paper recorded?

Final date for protest: _____

☐ Yes ☒ No Protests received?

☐ Yes ☐ No Protested?

Describe Resolution: _____

☒ Yes ☐ No Measuring device required?

☐ Yes ☒ No Access port required?

☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist? _____

☐ Yes ☐ No Special conditions codes: _____

☒ Yes ☐ No Is Evaluation Memo Attached?

If yes; date of Memo 3/27/00

Date of priority recommended: 2/11/2000

COMMENTS:

RECOMMEND

☒ Approval

☐ Denial

By AD

Date 3/27/00

MEMO

RECEIVED
APR 3 2000
Ref
Department of Water Resources

FROM: Allen Merritt *AM*

DATE: March 27, 2000

TO: Permit No: 47-08438

In the Name of City of Filer

SUBJECT: Review and Recommendation

This application is for municipal uses for the City of Filer. The application is located in the ESPA Moratorium Area and was processed pursuant to the exceptions of the order allowing domestic type uses to be developed.

The application was advertised without protest.

Recommendation

I recommend the application be approved subject to the following conditions:

- A measuring device with totalizing meter be installed on the new well.
- The place of use is limited to within the city limits of the city of Paul and to the surrounding service area.
- Irrigation of large projects such as parks, golf courses, or athletic fields is not authorized under this permit.
- Uses authorized under this permit must be for fire protection or uses which individually meet the definition for domestic use provided in 42-111, Idaho Code.
- The new well authorized under this permit must comply with the drilling permit (42-235) requirement and meet IDWR well construction standards and DEQ health requirements for Public Water Supply Systems.
- Subject to all county, state & federal permits that may be required.

MICROFILMED

APR 18 2000

NOTI OF APPLICATION FOR WATER GHT

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

47-08438

CITY OF FILER
300 MAIN (PO BOX 140)
FILER, ID 83328

Source: GROUNDWATER

Diversion Pt: SWNWSE Sec 7 T 10S R 16E in TWIN FALLS County.

Use: MUNICIPAL	(	0.670 CFS)
Total Diversion:	(	0.670 CFS)

Date Filed: 2/11/2000

The permit(s) will be subject to all prior water rights. Any protest must be filed with the Director, Dept. 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 MARCH 20, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published: 3/ 2/2000 & 3/ 9/2000

MICROFILMED

APR 18 2000

City of Filer

- Mayor's signature
- Area of use is: within city of Filer distribution system

10 S	16 E	Sec 7	SW NW SE
~~POD~~ overlap	POD	~~011-10121~~	} Domestic/stock
		~~011-11128~~	
		~~011-01144~~	} City of Filer * see attached map
		~~011-01145~~	
		~~011-01117~~	
		~~011-071810~~	

PAU Overlap

(Searched under City of Filer)

~~011-01123~~	} City of Filer * see attached map

~~47-00111~~	Muni
~~47-04144~~	Muni/Fire
~~47-04115~~	Fire
~~47-07174~~	zero'd out
~~47-07173~~	Domestic
~~47-07117~~	Muni
~~47-07140~~	Muni/Fire

APR 18 2000

RECEIVED

MAR 13 2000

Department of Water Resources
Southern Region

Affidavit of Publication

STATE OF IDAHO
COUNTY OF TWIN FALLS } SS.

No 33258

I, Ruby Aydenheide being first duly sworn upon oath, depose and say that I am principal clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated March 2, 192000, and ending with the issue dated March 9, 192000.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 10th day of March in the year of 2000, before me, a Notary Public, personally appeared Ruby Aydenheide, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true and acknowledged to me that he executed the same.

Jeva R. Feltman

Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5/19/2000MICROFILMED
APR 18 2000 2/100

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

CITIZEN FILER
300 MAIN (PO BOX 140)
FILER, ID 83328

Source: GROUNDWATER
Diversion Pt. SWNWSE
Sect 3 T4N R1E T2N
Falls County
Lit. Alluvial
(D) (CFS)
Total Diversion:

(D) (CFS)
Date Filed: 3/1/2000

The permit(s) will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Flannery St., Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before MARCH 20, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dasher, Director

PUBLISH: March 2 and 9, 2000

FEBRUARY 22, 2000

Legal Notices Department
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-548

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before MARCH 20, 2000.

Yours truly,

Mary Baldwin
Administrative Assistant

Enclosure

MICROFILMED

APR 18 2000