

LAPSED 6/1/2010

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

NO. 63-32050

Priority: December 17, 2004

Maximum Diversion Rate: 0.56 CFS  
Maximum Diversion Volume: 78.0 AF

This is to certify, that ADA COUNTY DEVELOPMENT CO INC  
11101 W EXECUTIVE DR  
BOISE ID 83701

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>	<u>ANNUAL VOLUME</u>
INDUSTRIAL	01/01 to 12/31	0.56 CFS	78.0 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER NW¼SE¼ Sec. 5, Twp 01N, Rge 03E, B.M., ADA County

PLACE OF USE: INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE													
01N	03E	5			X	X							X	X	X	X	X	X	
01N	03E	6											X	X	X	X			

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2010**.
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 the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Water bearing zone to be appropriated is from 650 to 750 feet.
6. Any well constructed under this water right shall include a measuring tube or other suitable method to allow measurement of water levels. The right holder shall allow access to the well(s) by the Idaho Department of Water Resources or its representative to collect data as needed.

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7. Diversion and use of water under this water right is contingent upon the cessation of diversion of 0.47 cfs and cessation of irrigation of 25 acres as authorized by a portion of SRBA claim no. 63-32075 (a portion of water right no. 63-3599B). Moreover, the official record for the following water rights(s) will be changed to show that diversion and use of water is not authorized because the rights, or portion(s) thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate	Mitigation Volume	Mitigation Acres
63-32075	Irrigation	0.47(cfs)	78.0(AF)	25

The land that will no longer be irrigated under this right is located within the NESE (20 acres) and SESE (5 acres), Section 15, Township 2N, Range 3W, B.M.

If the specified mitigation rights, or portion(s) thereof, are sold, transferred, leased, used on any place of use, or are not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this permit approval shall be reduced by the same proportion as the reduction to the mitigation rights.

8. In the event that Claim 63-32075 is not confirmed in the Snake River Basin Adjudication, the right holder shall provide an alternate source of mitigation water or shall cease diverting water under this right.
9. Industrial use is for a solid waste disposal site.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
11. This right does not grant any right-of-way or easement across the land of another.
12. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 21<sup>st</sup> day of June, 2005.

  
FOR KARL J DREHER, Director

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**REQUEST FOR EXEMPTION UNDER  
APPLICATION PROCESSING MEMORANDUM NO. 59**

Applicant is aware of the on-going processing hold for new water right applications in IDWR Administrative Basin 63 as described in Application Processing Memorandum No. 59 ("Memo 59"). Applicant requests that the Department process this Application notwithstanding Memo 59's general hold on processing new applications in the lower Boise River Basin.

Memo 59 states the Director may process applications on a case-by-case basis in the Boise River Basin where there will be no effect on prior ground or surface water rights because of location, insignificant consumption or mitigation. In the case this Application, the ground water targeted for diversion is not tributary to the Boise River. Available data shows the ground water under the project site flows south and west, away from the Boise River, and is tributary instead to the Snake River. The enclosed memorandum summarizes the relevant data.

## **Ground Water Flow in the Vicinity of Blacks Creek Reservoir**

### **Site Description**

The study area comprises a region of approximately 560 acres located south and southeast of Blacks Creek Reservoir approximately one mile southwest of Interstate 84 (Blacks Creek exit), in Ada County, Idaho. The study area is defined by the following Land Office Grid System (LOGS) parcels: South  $\frac{1}{2}$  and South  $\frac{1}{2}$  of northeastern  $\frac{1}{4}$  of Section 5 and Southeast  $\frac{1}{4}$  of Section 6, Township 1 North, Range 3 East, Boise Meridian.

### **Ground Water Flow in the Site Vicinity**

Shallow, regional aquifers may occur in the study area, in perched zones that are recharged by local streams, canals or irrigation processes (Petrich and Urban, 2004). The deeper and more regionally extensive ground water aquifer in the site vicinity occurs at an elevation of approximately 2,625 feet amsl (Lindholm, et. al., 1987). Surface topography at the site ranges from 3,180 to 3,280 feet amsl, suggesting depth to groundwater in the study area, depending on location, ranges from approximately 555 to 655 feet below ground surface.

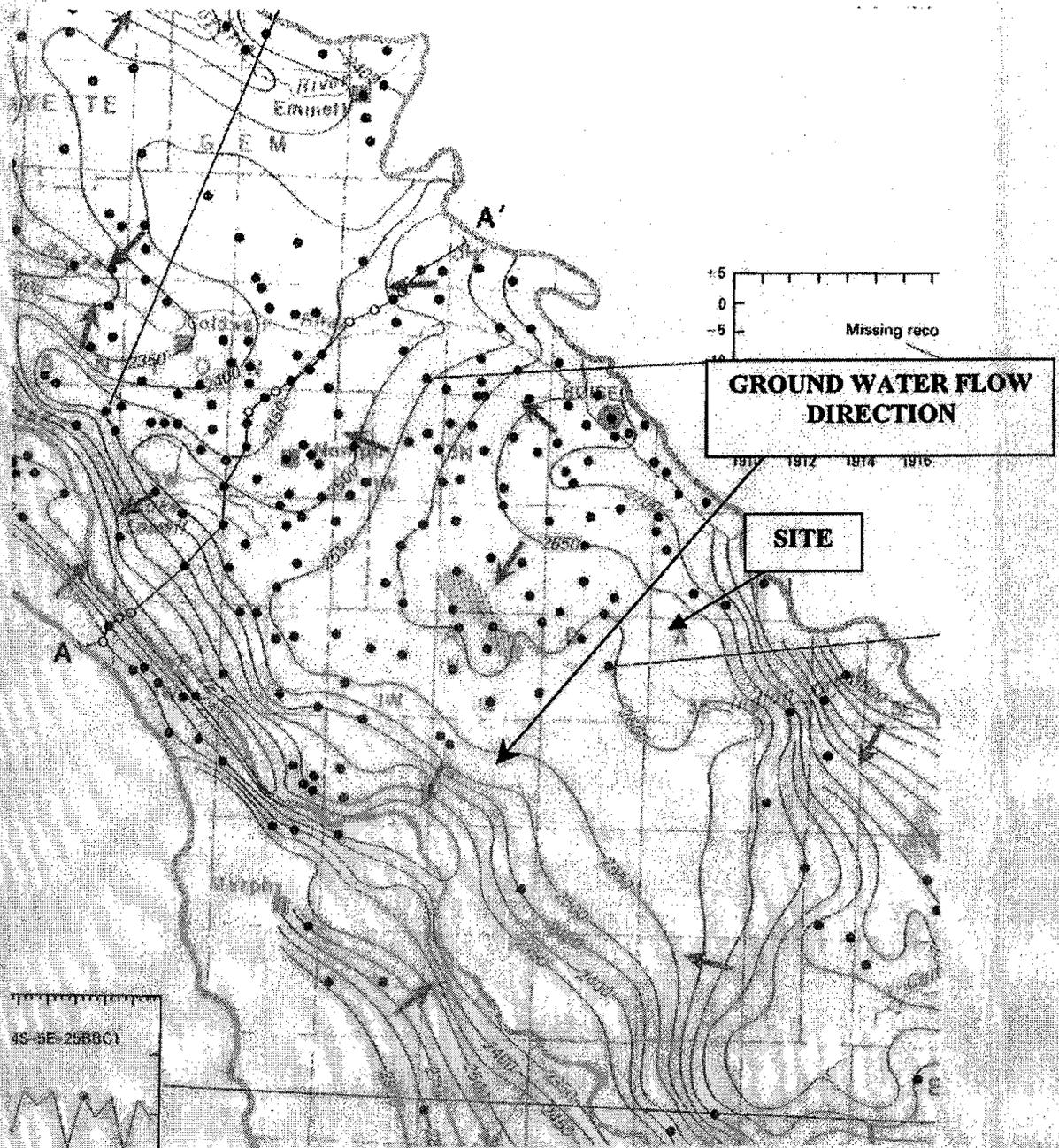
Ground water table elevation and flow patterns in the western Snake River Plain (for the regional aquifer) were documented by Lindholm, et. al.(1987) for Spring 1980. These data are also included in Lindholm (1996) and modified to illustrate the location of groundwater divides in the Treasure Valley Basin. Both figures are included as attachments to this report. As indicated in Attachment A, groundwater elevation contours 2,650 amsl and 2,600 amsl can be seen in the site vicinity oriented to the northwest/southeast. Ground water flow occurs perpendicular to these contours, and in the direction of decreasing elevation, i.e., to the southwest, ultimately flowing into the Snake River. Regional southwesterly ground water flow persists up to approximately seven miles northwest of the study area at the ground water divide (Attachment B) where it shifts to the west/northwest and ultimately contributes to the Boise River.

Similar regional ground water flow direction in the region is documented by Petrich (2004), based on ground water table elevation data collected in 1996.

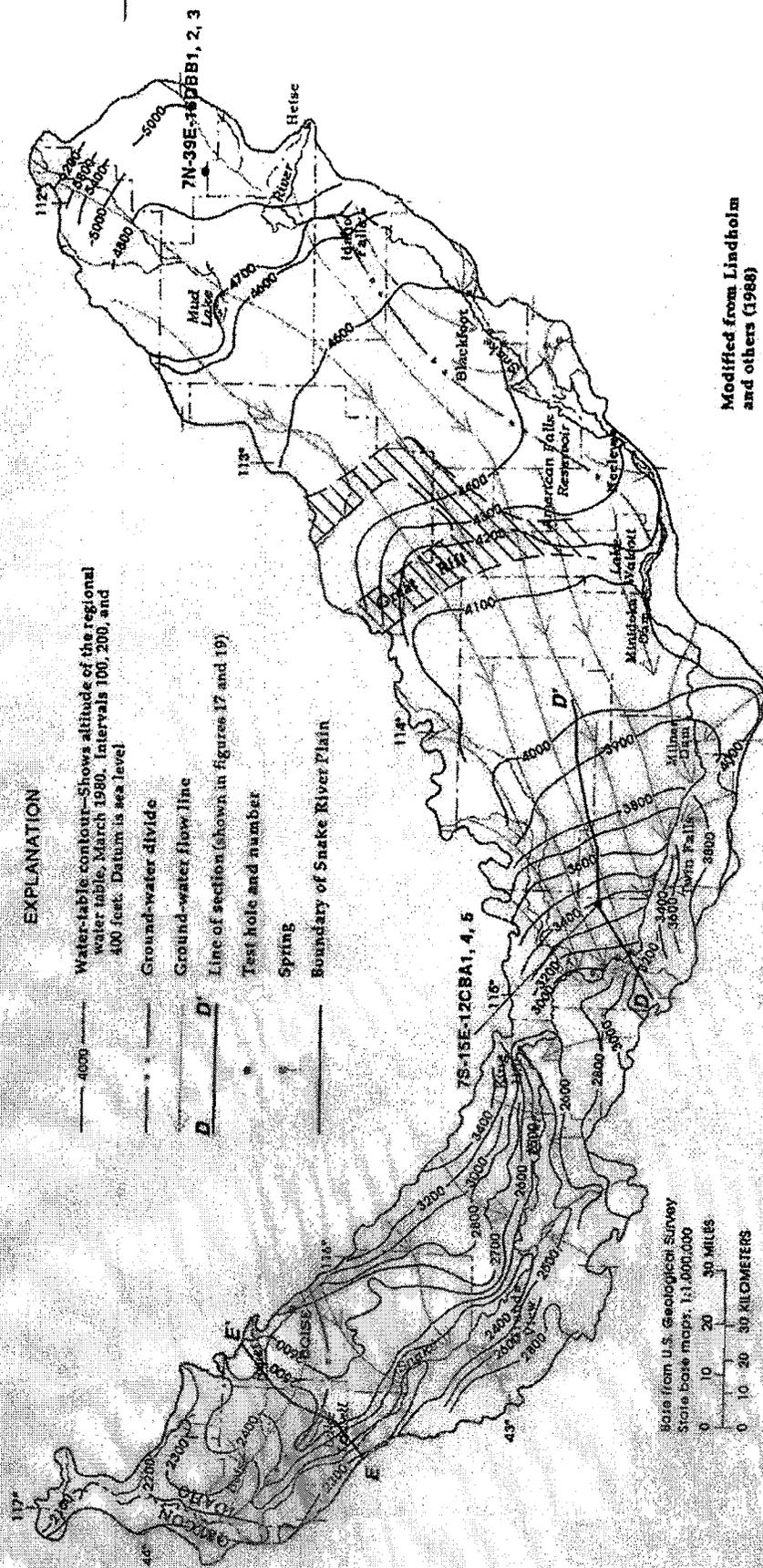
**References:**

- Lindholm, G.F, Garabedian, S.P., Newton, G.D., and R.L. Whitehead, 1987, Configuration of the Water Table and Depth to Water, Spring 1980, Water-Level Fluctuations, and Water Movement in the Snake River Plain Regional Aquifer System, Idaho and Eastern Oregon, USGS Atlas HA-703.
- Lindholm, G.F., 1996, Summary of the Snake River Plain Regional Aquifer-System Analysis in Idaho and Eastern Oregon, USGS Professional Paper 1408-A, 57 pp.
- Petrich, C.R., 2004, Simulation of Ground Water Flow in the Lower Boise River Basin, Idaho Water Resources Research Institute Research Report IWWRI-2004-02, 131 pp.
- Petrich, C.R., and Urban, S.M., 2004, Characterization of Ground Water Flow in the Boise River Basin, Idaho Water Resources Research Institute Research Report IWWRI-2004-01, 148 pp.

# ATTACHMENT A



# ATTACHMENT B



Modified from Lindholm and others (1988)

FIGURE 13.—Configuration of water table and general direction of horizontal ground-water movement in upper part of regional aquifer system, March 1980.