

Folder

2

IMPORTANT MESSAGE

FOR 63-32089.
 DATE 9/13/06 TIME 2:30 **(P.M.)**
 Mrs. Norma Mares
 OF _____
 PHONE 887-7748
AREA CODE NUMBER EXTENSION
 FAX
 MOBILE AREA CODE NUMBER TIME TO CALL

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>

MESSAGE Wants to withdraw her protest because they have moved to Meridian will send a letter to the dept. to officially withdraw. (Per phone call 9/19.)

SIGNED dp

TOPS FORM 3002P
 MADE IN U.S.A.

RETURN TO SENDER
 WRES
 WRES PATEL DR
 ERIDIAN ID 83846-9065
 RETURN TO SENDER



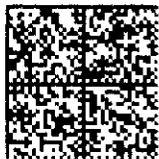
DEPARTMENT OF
 WATER RESOURCES

RECEIVED

4 5437



FIRST CLASS



UNITED STATES POSTAL SERVICE
 \$04.880
 02 1A
 0004310839 SEP 07 2006
 MAILED FROM ZIP CODE 83702



CERTIFIED MAIL™

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
300 West Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested



FIRST CLASS

7005 1160 0000 1544 6437



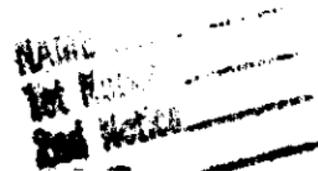
UNITED STATES POSTAL SERVICE
EAGLE
FINEY BOWES
02 1A \$ 04.88⁰
0004310839 SEP 07 2006
MAILED FROM ZIP CODE 83702

NORMA MARES
23966 BLESSINGER RD
STAR ID 83669-5016

RECEIVED

SEP 13 2006

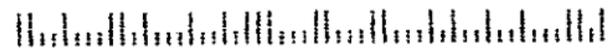
DEPARTMENT OF
WATER RESOURCES



MARE966 836692025 1806 21 09/09/06
RETURN TO SENDER
MARES
4166 W PAYEL DR
MERIDIAN ID 83646-9065

RETURN TO SENDER

836 837201-0098 R001



CG

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

NORMA MARES
23966 BLESSINGER RD
STAR ID 83669-5016

63-32089

2. 7005 1160 0000 1544 6437

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

- Agent
 Addressee

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BUD ROUNDTREE
LINDA BALLARD
468 N LONGHORN AVE
EAGLE ID 83616

63-32089

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *Bud Roundtree* B. Date of Delivery *9/8/06*

C. Signature *[Signature]* Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Conv from service label)
7005 1160 0000 1544 6451
PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

2. Article Number (Conv from service label)
7005 1160 0000 1544 6444
PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

2. Article Number (Conv from service label)
7005 1160 0000 1544 6420
PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

2. Article Number (Conv from service label)
7005 1160 0000 1544 6413
PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

2. Article Number (Conv from service label)
7005 1160 0000 1544 6406
PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

2. Article Number (Conv from service label)
7005 1160 0000 1544 6390
PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

UNITED STATES POSTAL SERVICE



First-Class
Postage
USPS
Permit

UNITED STATES POSTAL SERVICE
BOISE ID 837



First-Class
Postage
USPS
Permit

UNITED STATES POSTAL SERVICE



First-Class
Postage &
USPS
Permit No.

UNITED STATES POSTAL SERVICE
BOISE ID 837



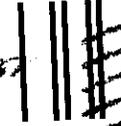
First-Class
Postage &
USPS
Permit No. G

UNITED STATES POSTAL SERVICE
BOISE ID 837



First-Class
Postage & Fees
USPS
Permit No. G-11

UNITED STATES POSTAL SERVICE
BOISE ID 837



First-Class Mail
Postage & Fees
USPS
Permit No. G-10

11 SEP 2006 PM 3 T

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED

SEP 12 2006

IDAHO DEPT OF WATER RESOURCES
ATTN DEBORAH GIBSON
PO BOX 83720
BOISE ID 83720-0098



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1. Article Addressed to:

LEEROY & BILLIE MELLIES
6860 W STATE ST
EAGLE ID 83616

63-32089

COMPLETE THIS SECTION ON DELIVERY

Received by (Please Print Clearly) B. MELLIES B. Date of Delivery 7/8/06

C. Signature Billie Mellies Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7005 1160 0000 1544 6383

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

2. Article Number (Copy from sender label) 7005 1160 0000 1544 6376

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

2. Article Number (Copy from sender label) 7005 1160 0000 1544 6369

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

2. Article Number (Copy from sender label) 7005 1160 0000 1544 6352

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

2. Article Number (Copy from sender label) 7005 1160 0000 1544 6345

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

2. Article Number (Copy from sender label) 7005 1160 0000 1544 6338

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

2. Article Number (Copy from sender label) 7005 1160 0000 1544 6321

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

2. Article Number (Copy from sender label) 7005 1160 0000 1544 6314

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

2. Article Number (Copy from sender label) 7005 1160 0000 1544 6307

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

7005 1160 0000 1544 6291

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

UNITED STATES POSTAL SERVICE
BOISE ID 837

First-Class
Postage
USPS
Permit

UNITED STATES POSTAL SERVICE
BOISE ID 837

First-Class
Postage
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UNITED STATES POSTAL SERVICE
BOISE ID 837

First-Class
Postage
USPS
Permit

09 SEP 2006 11:41 AM
US SEP 2006 11:41 AM

UNITED STATES POSTAL SERVICE
BOISE ID 837

First-Class
Postage
USPS
Permit

UNITED STATES POSTAL SERVICE
BOISE ID 837

First-Class
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USPS

UNITED STATES POSTAL SERVICE
BOISE ID 837

First-Class
Postage
USPS
Permit No.

UNITED STATES POSTAL SERVICE

First-Class
Postage &
USPS
Permit No. G

UNITED STATES POSTAL SERVICE
BOISE ID 837

First-Class
Postage &
USPS
Permit No.

UNITED STATES POSTAL SERVICE
BOISE ID 837

First-Class
Postage &
USPS
Permit No. G

UNITED STATES POSTAL SERVICE
BOISE ID 837

First-Class
Postage &
USPS
Permit No. C

• Sender: Please print your name, address, and ZIP+4 in this box

RECEIVED
SEP 12 2006
DEPARTMENT
WATER RES

IDAHO DEPT OF WATER
RESOURCES
ATTN DEBORAH GIBSON
PO BOX 83720
BOISE ID 83720-0098



SENDER'S SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

EUGENE MULLER
320 N PALMER LN
EAGLE ID 83616

63-32089

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) E. MULLER B. Date of Delivery 9/8/05

C. Signature X Eugene Muller Agent Addressee

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article 7005 1160 0000 1544 6284

PS Form 3811, July 1999 Domestic Return Receipt

102595-00-M-0952

2. Article 7005 1160 0000 1544 6211

PS Form 3811, July 1999 Domestic Return Receipt

102595-00-M-0952

2. Article 7005 1160 0000 1544 6260

PS Form 3811, July 1999 Domestic Return Receipt

102595-00-M-0952

2. Article 7005 1160 0000 1544 6253

PS Form 3811, July 1999 Domestic Return Receipt

102595-00-M-0952

2. Article 7005 1160 0000 1544 6246

PS Form 3811, July 1999 Domestic Return Receipt

102595-00-M-0952

2. Article Num (Transfer fr) 7005 1160 0000 1544 6239

SE

PS Form 3811, February 2004 Domestic Return Receipt

102595-02-M-1540

2. Article Num (Transfer fr) 7005 1160 0000 1544 6222

PS Form 3811, February 2004 Domestic Return Receipt

102595-02-M-1540

2. Article Num 7005 1160 0000 1544 6215

PS Form 3811, July 1999 Domestic Return Receipt

102595-00-M-0952

7005 1160 0000 1544 6208

PS Form 3811, July 1999 Domestic Return Receipt

102595-00-M-0952

2. Article 7005 1160 0000 1544 6192

PS Form 3811, July 1999 Domestic Return Receipt

102595-00-M-0952

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

UNITED STATES POSTAL SERVICE

BOISE ID 837



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G

UNITED STATES POSTAL SERVICE

BOISE ID 837



First-Class Mail
Postage & Fees Paid
USPS
Permit No. C

UNITED STATES POSTAL SERVICE

BOISE ID 837



First-Class Mail
Postage & Fees Paid
USPS
Permit No. N

UNITED STATES POSTAL SERVICE

BOISE ID 837



First-Class Mail
Postage & Fees Paid
USPS
Permit No. N

UNITED STATES POSTAL SERVICE

BOISE ID 837



First-Class Mail
Postage & Fees Paid
USPS
Permit No. N

UNITED STATES POSTAL SERVICE

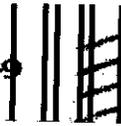
BOISE ID 837



First-Class Mail
Postage & Fees Paid
USPS
Permit No. N

UNITED STATES POSTAL SERVICE

NORTH BAY CA 949



First-Class Mail
Postage & Fees Paid
USPS
Permit No. N

UNITED STATES POSTAL SERVICE

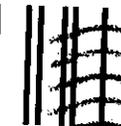
BOISE ID 837



First-Class Mail
Postage & Fees Paid
USPS
Permit No. N

UNITED STATES POSTAL SERVICE

BOISE ID 837



First-Class Mail
Postage & Fees Paid
USPS
Permit No. N

08 SEP 2006 PM 1 L

• Sender: Please print your name, address, and ZIP+4 in this area.

RECEIVED
SEP 12 2006

DEPARTMENT OF WATER RESOURCES
IDAHO DEPT OF WATER RESOURCES
ATTN DEBORAH GIBSON
PO BOX 83720
BOISE ID 83720-0098

DEPARTMENT OF WATER RESOURCES

83720+0098



U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees

Sent To
 SCOTT & M
 499 N LINE
 EAGLE ID

PS Form 3849, October 2002

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees

Sent To
 JERRY K
 STOPPEL
 620 W H/
 BOISE ID

PS Form 3849, October 2002

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

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OFFICIAL USE

Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees

Sent To
 NORMA I
 23966 BL
 STAR ID

PS Form 3849, October 2002

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CERTIFIED MAIL™ RECEIPT
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OFFICIAL USE

Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees

Sent To
 AL SHOUS
 1119 N EAC
 EAGLE ID

PS Form 3849, October 2002

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees

9/7/06
 Postmark Here
 dg

Sent To
 BUD ROUNDTREE
 LINDA BALLARD
 468 N LONGHORN AVE
 EAGLE ID 83616

PS Form 3849, October 2002

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
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OFFICIAL USE

Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees

Sent To
 RALPH
 7320 W
 EAGLE

PS Form 3849, October 2002

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OFFICIAL USE

Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees

Sent To
 DEAN
 6440
 EAGLE

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Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees

Sent To
 LEERC
 6860 W
 EAGLE

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Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees

Sent To
 BRUCE M
 MOORE
 950 W BA
 BOISE ID

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 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees

9/7/06
 Postmark Here
 dg

Sent To
 JULIE FISCHER
 WHITE PETERSON
 5700 E FRANKLIN RD STE 200
 NAMPA ID 83687

PS Form 3849, October 2002

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CERTIFIED MAIL™ RECEIPT
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Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees

Sent To
 BILL FL
 4035 HA
 EAGLE

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CERTIFIED MAIL™ RECEIPT
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Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees

Sent To
 CHARLE
 3101 N PA
 EAGLE ID

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Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees

Sent To
 CITY
 C/O R
 131 SW
 MERI

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Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees

Sent To
 TONY
 1910 N
 STAR I

PS Form 3849, October 2002

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OFFICIAL USE

Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees

9/7/06
 Postmark Here
 dg

Sent To
 RONALD SCHREINER
 2153 N POLLARD LN
 STAR ID 83669

PS Form 3849, October 2002

7005 1160 0000 1544 6260

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Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	

Sent To: **CORRIN TERRY**
10820 N STAR II

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	

Sent To: **SAM & K**
1460 N PC STAR ID

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
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OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	

Sent To: **EUGE**
320 N EAGL

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
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OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	

Sent To: **JOHN M**
GIVENS I
PO BOX 2
BOISE ID

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	

9/7/06
Postmark Here
dy

Sent To: **CHARLES HOWARTH**
C/O GUNNER & MATT HOWARTH
833 N PALMER
EAGLE ID 83616

7005 1160 0000 1544 6260

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	

Sent To: **MICHAEL**
1290 BU
SAN AN

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	

Sent To: **MICHAEL NANCY**
401 N P
EAGLE

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	

Sent To: **TIM C**
C/O B
4035 F
EAGL

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	

Sent To: **BOB &**
4151 H
EAGLE

U.S. Postal Service
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(Domestic Mail Only; No Insurance Coverage Provided)

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OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	

9/7/06
Postmark Here
dy

Sent To: **JERRY & MARY TAYLOR**
3410 HARTLEY
EAGLE ID 83616

7005 1160 0000 1544 6260

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	

Sent To: **DANA & VIKI PURDY**
5926 FLOATING FEATHER
EAGLE ID 83616

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	

9/7/06
Postmark Here
dy

Sent To: **JOSEPH & LYNN MOYLE**
C/O MICHAEL MOYLE
480 N PLUMMER RD
STAR ID 83669

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

IN THE MATTER OF APPLICATIONS TO)
APPROPRIATE WATER NOS. 63-32089 AND)
63-32090 IN THE NAME OF THE CITY)
OF EAGLE)
_____)

**NOTICE OF HEARING, ORDER
AUTHORIZING DISCOVERY, AND
PREHEARING ORDER**

NOTICE OF HEARING

PLEASE TAKE NOTICE that a formal hearing will be held on **December 6 through 8, 2006 and resumed on December 11 and 12, 2006, beginning at 9:00 a.m. in Boise, Idaho** at the offices of the Idaho Department of Water Resources ("Department"), 322 East Front Street, Sixth Floor (in the Water Center building on the corner of Broadway Avenue and Front Street). Parking is available in the parking facility to the west of the Water Center building. There is a charge for parking in this location.

If you plan to offer exhibits for the record at the hearing, note that Rule 606 of the Department's Rules of Procedure requires that a copy be provided to each party and to the presiding officer.

The presiding officer at the hearing will be Gary Spackman.

The hearing will be held in accordance with the provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the adopted Rules of Procedure of the department. IDAPA 37.01.01. A copy of the rules may be obtained from the Department upon request.

The hearing will be conducted in accordance with the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the Department within 10 days prior to the hearing. Inquires about scheduling, hearing facilities, etc., should be directed to Deborah Gibson, Administrative Assistant, Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098, telephone: (208) 287-4942, fax: (208) 287-6700.

ORDER AUTHORIZING DISCOVERY AND PREHEARING ORDER

IT IS HEREBY ORDERED that the parties may engage in discovery as follows:

1. All physical pumping tests or other data gathering activities related to water availability, possible injury to other water users, or public interest concerns must be completed on or before September 29, 2006.
2. Upon receiving a written request from another party (by letter, email, memorandum, or other common form of written communication), the City of Eagle or any other party that gathered data during any pump test, must submit the data gathered during the pump test to the requesting party. Parties that gathered data must submit the requested data to the requesting party within seven days of receiving the request.
3. On or before October 16, 2006, each party must disclose to all other parties, in writing, the identity of all expert witnesses that will or may testify at the hearing.
4. All written discovery requests shall be served on or before October 23, 2006. Answers to written discovery must be served on the requesting party within fourteen (14) days of service of the request. All responses to discovery shall be served on or before November 6, 2006.
5. Written requests for discovery must be either interrogatories or requests for documents. (Requests for admission are not allowed). No more than 10 interrogatories may be served by any party (or the attorney for several parties) on another party, and no more than 10 unanswered interrogatories served by any party (or the attorney for several parties) may be pending. Interrogatories divided into more than two sub questions are not allowed.
6. All depositions shall be complete on or before November 13, 2006.

IT IS FURTHER ORDERED that, on or before November 29, 2006, each party must serve on all other parties copies of exhibits that may be offered at the hearing. Service of proposed exhibits is timely only if the parties upon whom the documents are served have physical possession of the proposed exhibits on or before November 29, 2006.

IT IS FURTHER ORDERED that proposed exhibits should be premarked as follows:

City of Eagle – Nos. 1-99

Star Sewer and Water District – Nos. 101-199

Hoot Nanney Farms, Inc./Mike Dixon – Nos. 201-299

United Water – Nos. 301-399

Other protestants may delay the marking of proposed exhibits until the hearing.

IT IS FURTHER ORDERED that any party desiring to pre-file written testimony must submit the written testimony to the hearing officer and the other parties, in narrative form, on or before November 29, 2006. Service of the pre-filed testimony is timely only if the hearing officer and the parties upon whom the documents are served have physical possession of the pre-filed testimony on or before November 29, 2006. Witnesses whose testimony is pre-filed must appear at the hearing to verify that the written testimony is their own and must be subject to examination about the written testimony. Failure to appear is cause for the hearing officer to reject the written testimony.

Dated this 6th day of September, 2006.



Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of September, 2006, a true and correct copy of the document described below was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Notice of Hearing, Order Authorizing Discovery, and Prehearing Order

DANA & VIKI PURDY
5926 FLOATING FEATHER
EAGLE ID 83616

JOSEPH & LYNN MOYLE
C/O MICHAEL MOYLE
480 N PLUMMER RD
STAR ID 83669

MICHAEL MCCOLLUM
1290 BUTTERFIELD
SAN ANSELMO CA 94960

MICHAEL HEATH
NANCY HEATH
401 N PALMER LN
EAGLE ID 83616

TIM CHENEY
PO BOX 190027
BOISE ID 83719

JERRY & MARY TAYLOR
3410 HARTLEY
EAGLE ID 83616

CORRIN & TERRY HUTTON
10820 NEW HOPE RD
STAR ID 83669

BOB & ELSIE HANSON
4151 HARTLEY RD
EAGLE ID 83616

SAM & KARI ROSTI
1460 N POLLARD LN
STAR ID 83669

EUGENE MULLER
320 N PALMER LN
EAGLE ID 83616

CHARLES MEISSNER JR
3101 N PALMER
EAGLE ID 83616

CHARLES HOWARTH
C/O GUNNER & MATT HOWARTH
833 N PALMER
EAGLE ID 83616

BILL FLACK
4035 HARTLEY RD
EAGLE ID 83616

RONALD SCHREINER
2153 N POLLARD LN
STAR ID 83669

CITY OF STAR
C/O ROD LINJA
131 SW 5TH AVE STE A
MERIDIAN ID 83642

TONY & BRENDA O'NEIL
1910 N MTN VISTA LN
STAR ID 83669

SCOTT & NANCY REESER
499 N LINDER RD
EAGLE ID 83616

LEEROY & BILLIE MELLIES
6860 W STATE ST
EAGLE ID 83616

RALPH & BARBARA WILDER
7320 W STATE ST
EAGLE ID 83616

DEAN & JAN COMBE
6440 W BEACON LIGHT
EAGLE ID 83616

NORMA MARES
23966 BLESSINGER RD
STAR ID 83669-5016

BRUCE M SMITH
MOORE SMITH BUXTON TURKE
225 N 9TH STE 420
BOISE ID 83702

JULIE K FISCHER
5700 E FRANKLIN RD
STE 200
NAMPA ID 83687

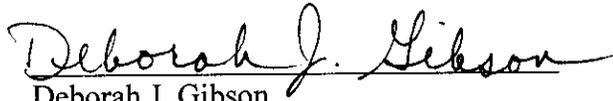
JERRY A KISER
STOPPELLO & KISER
620 W HAYS
BOISE ID 83702

JOHN M MARSHALL
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701-2720

AL SHOUSHARIAN
1119 N EAGLE RD
EAGLE, ID 83616

BUD ROUNDTREE
LINDA BALLARD
468 N LONGHORN AVE
EAGLE ID 83616

WESTERN REGION
ATTN JOHN WESTRA
2735 AIRPORT WAY
BOISE ID 83705-5082


Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
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WEBSITE: www.givenspursley.com

John M. Marshall
DIRECT DIAL: 208 388-1270
EMAIL: johnmarshall@givenspursley.com

Gary G. Allen
Kristen A. Atwood
Kelly T. Barbour
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Fereday
Martin C. Hendrickson
Steven J. Hippler
Debora K. Kristensen
Anne C. Kunkel

Jeremy G. Ladle
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson

W. Hugh O'Riordan, LL.M.
Bradley V. Sneed
H. Barton Thomas, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White
Terri R. Yost

RETIRED
Kenneth L. Pursley
Raymond D. Givens
James A. McClure

September 1, 2006

VIA FIRST CLASS MAIL

Mr. Gary L. Spackman
Water Allocation Bureau
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: In the matter of the protested applications for permit to appropriate water Nos. 63-32089 and 63-32090 in the name of the City of Eagle
GP File No. 30-133

Dear Mr. Spackman:

In addition to the unavailable dates listed in Mr. Kiser's letter of August 31, United Water is not available for hearing on the following dates: November 15, 2006 and December 20, 21, 2006.

Please also be advised that United Water of Idaho does not intend to pre-file testimony.

Sincerely,



John M. Marshall

JMM:amm

cc: Client

S:\CLIENTS\30\133\JMM to hearing office re unavailable dates.DOC

RECEIVED WA

SEP 01 2006
DEPARTMENT OF
WATER RESOURCES
(orig. rec'd ltr fax 8/31/06.)
JOHN J. MCFADDEN*
of Counsel
* Also admitted in Oregon
‡ Also admitted in Washington
† Also admitted in South Dakota
* Also admitted in New Mexico

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

225 NORTH 9TH STREET, SUITE 420
BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

STEPHANIE J. BONNEY
SUSAN E. BUXTON*
MICHAEL C. MOORE‡
BRUCE M. SMITH
PAUL A. TURCKE†
CHRISTOPHER E. YORGASON
TAMMY A. ZOKAN*

JOHN J. MCFADDEN*
of Counsel

* Also admitted in Oregon
‡ Also admitted in Washington
† Also admitted in South Dakota
* Also admitted in New Mexico

August 31, 2006

Mr. Gary Spackman
Idaho Department of Water Resources
322 E Front Street
Boise, Idaho 83720-0098

Re: City of Eagle Applications for Permit Nos. 63-32089 and 63-32090

Dear Gary:

In response to your letter of August 18, 2006, please find enclosed a calendar of available hearing dates in November and December, 2006. This is also notice that the City of Eagle would like to use pre-filed testimony. Also, we would ask that the IDWR reconsider requiring all parties to do so in order to provide for a more organized, efficient, and fair hearing process. The City should not be disadvantaged by pre-filing with other parties thereby getting advanced information. All parties should pre-file to keep the process fair. Pre-filed testimony simply allows for a more expeditious hearing.

I also noted that protestants are to submit written requests to me for the pump test results. It was the City's understanding that the City was submitting the pump test data to the IDWR so it had the information to provide to protestants who might want it. However, I will be glad to provide the data per your instructions.

Sincerely yours,

MOORE SMITH BUXTON & TURCKE, CHTD.



Bruce M. Smith

BMS/dls
Enclosure
Cc: Protestants
City of Eagle

December 2006

BRUCE SMITH - X = UNAVAILABLE DATES

December 2006							January 2007						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
3	4	5	6	7	8	9	1	2	3	4	5	6	
10	11	12	13	14	15	16	7	8	9	10	11	12	
17	18	19	20	21	22	23	14	15	16	17	18	19	
24	25	26	27	28	29	30	21	22	23	24	25	26	
31							28	29	30	31		27	

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					December 1
4	5	6	7	8	9
11	12	13	14	15	16
18	19	20	21	22	23
25	26	27	28	29	30
31					

X

X

X

X

X

X

X

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SEP 01 2006

DEPARTMENT OF WATER RESOURCES

Julie K. Fischer
WHITE PETERSON, P.A.
5700 East Franklin Road, Suite 200
Nampa, Idaho 83687
Telephone: (208) 466-9272
Facsimile: (208) 466-4405
Idaho State Bar No. 4601
jkf@whitepeterson.com

Attorneys for Protestants
Hoot Nanney Farms, Inc., Mike Dixon

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)	
PERMIT NOS. 63-32089 AND 63-32090 IN)	
THE NAME OF CITY OF EAGLE)	RESPONSE TO REQUESTED
)	HEARING DATES, OBJECTION,
)	AND REQUEST FOR NEW
)	SCHEDULING ORDER

COMES NOW, Protestant, Hoot Nanney Farms, Inc./ Mike Dixon, by and through its attorney of record, Julie Klein Fischer of White Peterson, P.A., and pursuant to Gary Spackman's letter of August 18, 2006, notifies the Department that counsel is unavailable on the following dates in November and December 2006:

November 1 – 17; 23, 24, 27 -30
December 18 - 28

Counsel's unavailability in November is due to a 10 day jury trial that is scheduled to begin

on October 31, 2006. Counsel will need some time at the conclusion of that trial to prepare for the hearing in this matter.

These dates are provided under objection that a hearing be held in this matter as early as November or December. Protestant's objection is based on the following:

In the Department's January 2006 *Notice of Hearing, Order Authorizing Discovery, and Prehearing Order*, hearing officer Gary Spackman scheduled a deadline of March 1 for the parties to perform pump testing and to gather data related to water availability and possible injury. Other deadlines for discovery, interrogatories and depositions were to occur after the pump test data was gathered. A hearing was also scheduled for April 10 – 14, 2006.

On March 10, 2006 the Department issued a second *Order Continuing Hearing and Canceling Prehearing Deadlines*. The March 10, 2006 Order expressly required the City of Eagle to "arrange a time for the anticipated pump tests with the other parties." However, until attorneys for the City of Eagle notified the Department in writing on July 12, 2006 that pump testing was complete, the protestant was unaware pump testing had occurred. As a result, the protestant has been deprived of the opportunity to gather data simultaneous with the City's testing, which was anticipated.

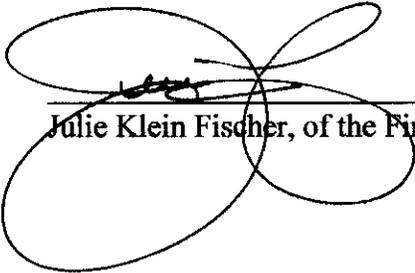
It would be appropriate at this juncture, for the Department to establish new deadlines in which the parties can review the City's data; issue written interrogatories, if appropriate; and take any depositions that may be necessary to prepare for hearing. This will be extremely difficult to accomplish in the suggested time period, and at this point it is not clear if such activities have been

authorized by the Department.¹ Accordingly, Protestant respectfully requests the Department establish new deadlines and schedule a hearing for sometime after the first of 2008 so that the parties, who were not permitted to monitor the City's testing, will have sufficient time to prepare for hearing.

Finally, pursuant to the Department's inquiry in Mr. Spackman's August 18, 2006 letter, Protestant does not anticipate pre-filing testimony.

Respectfully submitted this 31st day of August, 2006.

WHITE PETERSON, P.A.



Julie Klein Fischer, of the Firm

¹ While two to three months may seem like sufficient time to prepare, counsel's present trial schedule precludes any preparation for the present hearing during October and November.

CERTIFICATE OF SERVICE

I hereby certify that on this 31 day of August, 2006, I caused to be served a true and correct copy of the foregoing document by U.S. Mail, postage prepaid, to the following:

City of Eagle
PO Box 1520
Eagle ID 83616

Chris Duncan
Holladay Engineering Co.
PO Box 235
Payette ID 83661

Gary Spackman
Idaho Dept. of Water Resources
PO Box 83720
Boise ID 83720-0098

Dana & Vicky Purdy
5926 Flating Feather
Eagle ID 83616

Mike Dixon
Rt. 1 2650 Wing Rd
Star ID 83669

Tony & Brenda O'Neil
1910 N. Mountain Vista Lane
Star ID 83669

Joseph & Lynn Moyle
c/o Michael Moyle
480 N. Plummer Rd
Star ID 83669

Scott Rhead
United Water Id Inc.
PO Box 190420
Boise ID 83719-0420

LeeRoy & Billie Mellies
6860 W. State St.
Eagle ID 83616

Michael McCollum
1290 Butterfield
San Anselmo CA 94960

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Eugene Muller
c/o Mary Taylor
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Eagle ID 83616

Tim Cheney
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Boise ID 83719

Charles Meissner, Jr.
3101 N. Palmer
Eagle ID 83616

Norma Mares
Mary Taylor
23966 Blessinger Road
Star ID 83669-5016

Jim Keller
Justin Walker
Star Sewer & Water
131 SW 5th Ave. Ste. A
Meridian ID 83642

Charles Howard
c/o Gunner & Matt Howarth
833 N. Palmer
Eagle ID 83616

Jerry & Mary Taylor
3410 Hartley
Eagle ID 83616

Bill Flack
4035 Hartley Rd
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Corrin Hutton
Terry Hutton
10820 New Hope Road
Star ID 83669

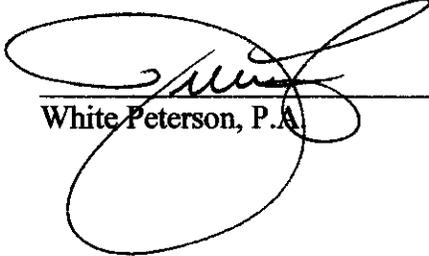
Ronald Schreiner
2153 N. Pollard Lane
Star ID 83669

Bob & Elsie Hanson
4151 Hartley Road
Eagle ID 83616

City of Star
c/oRrod Linja
131 SW 5th Ave. Ste. A
Meridian ID 83642

Scott & Nancy Reeser
499 N. Linder Road
Eagle ID 83616

Bruce Smith
MOORE SMITH BUXTON
225 N. 9th Ste. 420
Boise ID 83702



White Peterson, P.A.

wa
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SEP 01 2006

DEPARTMENT OF
WATER RESOURCES

(orig. rec'd by fax 8/31/06)

TELEPHONE (208) 336-1020
FACSIMILE (208) 336-1027

STOPPELLO & KISER
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAYS STREET
BOISE, IDAHO 83702

FRANK W. STOPPELLO
JERRY A. KISER
F. MATTHEW STOPPELLO

August 31, 2006

TRANSMITTED VIA FACSIMILE
TO (208) 287-6700 AND
SENT BY FIRST CLASS MAIL

Gary Spackman
Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

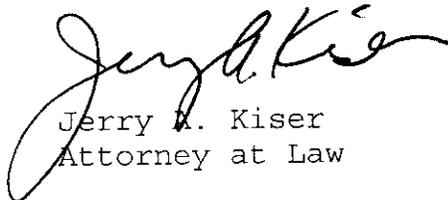
Re: In the matter of the protested applications for
permit to appropriate water nos. 63-32089 and
63-32090 in the name of the City of Eagle.

Dear Hearing Officer Spackman:

As requested by your August 18, 2006 letter, this letter is to notify you of unavailable dates in November and December for hearing in the above-referenced matter. The following dates are **NOT** available for hearing; November 17 through November 28, 2006, and December 22 through December 31, 2006.

In your August 18, 2006 letter, you also requested the parties indicate whether they would like to pre-file testimony. On behalf of Star Sewer and Water District, be advised we do not intend to pre-file testimony.

Sincerely,


Jerry A. Kiser
Attorney at Law

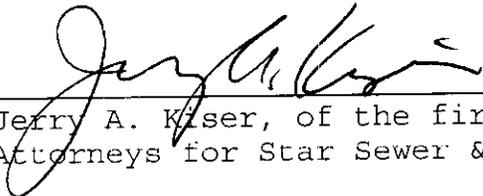
JAK:hz

cc: All parties on service list (attached)

CERTIFICATE OF SERVICE: The undersigned does hereby certify that on this date he caused a true and correct copy of the within and foregoing letter to be sent by United States first-class postage prepaid mail to the following:

DATED this 31st day of August, 2006.

STOPPELLO & KISER
ATTORNEYS AT LAW

By 
Jerry A. Kiser, of the firm
Attorneys for Star Sewer & Water

Dana & Viki Purdy
5926 Floating Feather Road
Eagle, ID 83616

Bob and Elsie Hanson
4151 Hartley Road
Eagle, ID 83616

Joseph & Lynn Moyle
c/o Michael Moyle
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City of Star
% Rod Linja
131 SW 5th Ave., Suite A
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Norma Mares
23966 Blessinger Road
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Julie Klein Fischer
White Peterson
5700 Franklin Road
Suite 200
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Bruce Smith
Moore Smith Buxton Turke
950 W. Bannock Street
Suite 520
Boise, ID 83702

John M. Marshall
GIVENS PURSLEY
P.O. Box 2720
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Al Shoushtarian
1119 N. Eagle Road
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Bud Roundtree
Linda Ballard
468 N. Longhorn Ave.
Eagle, ID 83616

Western Region
Attn: John Westra
2735 Airport Way
Boise, ID 83705-5082

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JUL 24 2006

DEPARTMENT OF
WATER RESOURCES

STOPPELLO & KISER
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAYS STREET
BOISE, IDAHO 83702

FRANK W. STOPPELLO
JERRY A. KISER
F. MATTHEW STOPPELLO

July 21, 2006

TELEPHONE (208) 336-1020
FACSIMILE (208) 336-1027

TRANSMITTED VIA FACSIMILE
TO (208) 287-6700 AND
SENT BY FIRST CLASS MAIL

Gary Spackman
Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

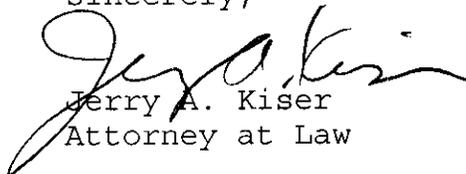
Re: City of Eagle Applications to Appropriate Water
Nos. 63-32089 and 63-32090

Dear Mr. Spackman:

This letter is in response to Mr. Bruce Smith's July 11, 2006 correspondence to you regarding scheduling a hearing in the above-referenced matter. Unfortunately, I am not privy to the pump test data and therefore cannot comment on the extent to which this data is consistent with data identified in previous tests in the area. If you are inclined to conduct the hearing through pre-filed, written testimony, it is imperative that sufficient time be allowed to permit acquisition of the test pump data and analysis of that data by Star Sewer & Water District's engineer. Provided a prompt discovery schedule is implemented, it is possible the dates proposed by Mr. Smith in Option 2 of his letter could be workable. The dates set forth in Mr. Smith's Option 1 are almost certainly unworkable, in that they do not allow sufficient time for obtaining pump test data and analysis and review of that data by Star Sewer & Water District's engineer.

On behalf of Star Sewer & Water District, we request the hearing in this matter be set no earlier than October 10, 2006 and that written testimony be submitted no later than two weeks prior to the scheduled hearing date.

Sincerely,

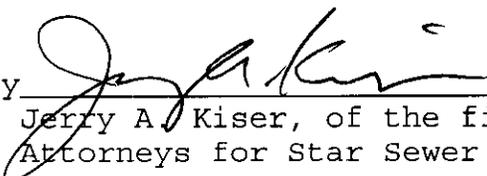

Jerry A. Kiser
Attorney at Law

JAK:jf
cc: Protestants
Applicant

CERTIFICATE OF SERVICE: The undersigned does hereby certify that on this date he caused a true and correct copy of the within and foregoing letter to be sent by United States first-class postage prepaid mail to the following:

DATED this 21st day of July, 2006.

STOPPELLO & KISER
ATTORNEYS AT LAW

By 
Jerry A. Kiser, of the firm
Attorneys for Star Sewer & Water

Dana & Viki Purdy
5926 Floating Feather Road
Eagle, ID 83616

Tony and Brenda O'Neal
1910 N. Mountain Vista Lane
Star, ID 83669

Joseph & Lynn Moyle
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Frank and Elaine Mosman
570 Highway 16
Eagle, ID 83616

Julie Klein Fischer
White Peterson
5700 Franklin Road
Nampa, ID 83687

Bruce Smith
Moore Smith Buxton Turke
225 N. 9th , Suite 420
Boise, ID 83702

John M. Marshall
GIVENS PURSLEY
P.O. Box 2720
Boise, ID 83701-2720

Al Shoushtarian
1119 N. Eagle Road
Eagle, ID 83616

Bud Roundtree
Linda Ballard
468 N. Longhorn Ave.
Eagle, ID 83616

STOPPELLO & KISER
ATTORNEYS AT LAW
620 West Hays Street
Boise, ID 83702

Frank W. Stoppello
Jerry A. Kiser
F. Matthew Stoppello

Phone: (208) 336-1020
Fax: (208) 336-1027

Dated: August 30, 2006

FAX TRANSMISSION

Fax No.: 208) 287-6700

Name: Gary Spackman
DEPARTMENT OF WATER RESOURCES

Re: In the matter of the protested applications for permit to
appropriate water nos. 63-32089 and 63-32090 in the name of
the City of Eagle.

Total Number of Pages: 4
(Including this Cover)

From: Jerry A. Kiser

Comments: Find attached letter dated August 31, 2006.

Original Documents Will Follow by Regular Mail.

If you had any problems receiving this entire transmission,
please call the sender at (208) 336-1020.

STOPPELLO & KISER
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAYS STREET
BOISE, IDAHO 83702

FRANK W. STOPPELLO
JERRY A. KISER
K. MATTHEW STOPPELLO

TELEPHONE (208) 336-1020
FACSIMILE (208) 336-1027

August 31, 2006

TRANSMITTED VIA FACSIMILE
TO (208) 287-6700 AND
SENT BY FIRST CLASS MAIL

Gary Spackman
Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

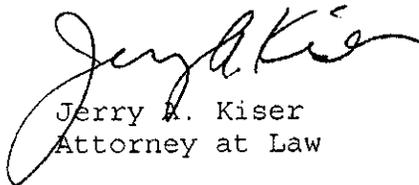
Re: In the matter of the protested applications for
permit to appropriate water nos. 63-32089 and
63-32090 in the name of the City of Eagle.

Dear Hearing Officer Spackman:

As requested by your August 18, 2006 letter, this letter is to notify you of unavailable dates in November and December for hearing in the above-referenced matter. The following dates are NOT available for hearing; November 17 through November 28, 2006, and December 22 through December 31, 2006.

In your August 18, 2006 letter, you also requested the parties indicate whether they would like to pre-file testimony. On behalf of Star Sewer and Water District, be advised we do not intend to pre-file testimony.

Sincerely,


Jerry A. Kiser
Attorney at Law

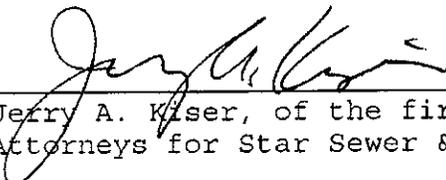
JAK:hz

cc: All parties on service list (attached)

CERTIFICATE OF SERVICE: The undersigned does hereby certify that on this date he caused a true and correct copy of the within and foregoing letter to be sent by United States first-class postage prepaid mail to the following:

DATED this 31st day of August, 2006.

STOPPELLO & KISER
ATTORNEYS AT LAW

By 
Jerry A. Kiser, of the firm
Attorneys for Star Sewer & Water

Dana & Viki Purdy
5926 Floating Feather Road
Eagle, ID 83616

Bob and Elsie Hanson
4151 Hartley Road
Eagle, ID 83616

Joseph & Lynn Moyle
c/o Michael Moyle
480 N. Plummer Road
Star, ID 83669

Tony and Brenda O'Neal
1910 N. Mountain Vista Lane
Star, ID 83669

Michael McCollum
1290 Butterfield
San Anselmo, CA 94960

Sam and Kari Rosti
1460 N. Pollard Lane
Star, ID 83669

Michael Heath
Nancy Heath
401 N. Palmer Lane
Eagle, ID 83616

Eugene Muller
320 N. Palmer Lane
Eagle, ID 83616

Tim Cheney
P.O. Box 190027
Boise, ID 83719

Charles W. Meissner Jr.
3101 N. Palmer
Eagle, ID 83616

Jerry and/or Mary Taylor
3410 Hartley
Eagle, ID 83616

Charles Howarth
c/o Gunnar & Matt Howarth
833 N. Palmer
Eagle, ID 83616

Corrin H. Hutton
Terry Hutton
10820 New Hope Road
Star, ID 83669

Bill Flack
4035 Hartley Road
Eagle, ID 83616

Ron Schreiner
2153 N. Pollard Lane
Star, ID 83669

City of Star
% Rod Linja
131 SW 5th Ave., Suite A
Meridian, ID 83642

Scott & Nancy Reeser
499 N. Linder Rd.
Eagle, ID 83616

Leeroy and Billie Mellies
6860 W. State Street
Eagle, ID 83616

Dean and/or Jan Combe
6440 W. Beacon Light Road
Eagle, ID 83616

Norma Mares
23966 Blessinger Road
Star, ID 83669

Ralph and Barbara Wilder
7320 W. State Street
Eagle, ID 83616

Julie Klein Fischer
White Peterson
5700 Franklin Road
Suite 200
Nampa, ID 83687

Bruce Smith
Moore Smith Buxton Turke
950 W. Bannock Street
Suite 520
Boise, ID 83702

John M. Marshall
GIVENS PURSLEY
P.O. Box 2720
Boise, ID 83701-2720

Al Shoushtarian
1119 N. Eagle Road
Eagle, ID 83616

Bud Roundtree
Linda Ballard
468 N. Longhorn Ave.
Eagle, ID 83616

Western Region
Attn: John Westra
2735 Airport Way
Boise, ID 83705-5082

Moore Smith Buxton & Turcke, Chartered

950 W. Bannock, Suite 520
Boise, Idaho 83702
(208) 331-1800
Fax: (208) 331-1202

FACSIMILE COVER SHEET

DATE: 8/31/06 Recipient's Fax: (208) 287-6700

TO: Mr. Gary Spackman Client: 1019-42
IDWR

RE: Response to Letter Dated August 18, 2006

FROM: Bruce M. Smith/ats

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 4

- Original will not be sent
- Original will be sent by first class mail
- Original will be sent by federal express

ADDITIONAL COMMENTS:

***** IMPORTANT MESSAGE *****

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.



MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

225 NORTH 9TH STREET, SUITE 420
BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

STEPHANIE J. BONNEY
SUSAN E. BUXTON*
MICHAEL C. MOORE*
BRUCE M. SMITH
PAUL A. TURCKE*
CHRISTOPHER E. YORGASON
TAMMY A. ZOKAN*

JOHN J. McFADDEN**
of Counsel

* Also admitted in Oregon
* Also admitted in Washington
* Also admitted in South Dakota
* Also admitted in New Mexico

August 31, 2006

Mr. Gary Spackman
Idaho Department of Water Resources
322 E Front Street
Boise, Idaho 83720-0098

Re: City of Eagle Applications for Permit Nos. 63-32089 and 63-32090

Dear Gary:

In response to your letter of August 18, 2006, please find enclosed a calendar of available hearing dates in November and December, 2006. This is also notice that the City of Eagle would like to use pre-filed testimony. Also, we would ask that the IDWR reconsider requiring all parties to do so in order to provide for a more organized, efficient, and fair hearing process. The City should not be disadvantaged by pre-filing with other parties thereby getting advanced information. All parties should pre-file to keep the process fair. Pre-filed testimony simply allows for a more expeditious hearing.

I also noted that protestants are to submit written requests to me for the pump test results. It was the City's understanding that the City was submitting the pump test data to the IDWR so it had the information to provide to protestants who might want it. However, I will be glad to provide the data per your instructions.

Sincerely yours,

MOORE SMITH BUXTON & TURCKE, CHTD.

Bruce M. Smith

BMS/dls
Enclosure
Cc: Protestants
City of Eagle

November 2006

Ross Smith - X = UNAVAILABLE DATES

November 2006							December 2006						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
5	6	7	8	9	10	11	3	4	5	6	7	8	9
12	13	14	15	16	17	18	10	11	12	13	14	15	16
19	20	21	22	23	24	25	17	18	19	20	21	22	23
26							24						

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
6	7	8	9	10	11
13	14	15	16	17	18
20	21	22	23	24	25
27	28	29	30		26

Deb Smith

1

8/31/2006 12:04 PM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

377 East Front Street, P.O. Box 83720
Meridian, Idaho 83720-0098

Return Service Requested

RETURN SERVICE
REQUESTED

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
EAGLE
PITNEY BOWES
02 1A \$ 00.29³
0004396312 AUG 18 2006
MAILED FROM ZIP CODE 83702

RECEIVED

AUG 24 2006

DEPARTMENT OF
WATER RESOURCES

NORMA MARES
23966 BLESSINGER RD
STAR ID 83669-7777

MARE966 836692011 1806 08 08/22/06
RETURN TO SENDER
MARES
4166 W PATEL DR
MERIDIAN ID 83646-9065
RETURN TO SENDER

*Added to the
service list.*
FAACSM5 836

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

377 East Front Street, P.O. Box 83720
Meridian, Idaho 83720-0098

Return Service Requested

RETURN SERVICE
REQUESTED

PRESORTED
FIRST CLASS



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EAGLE
PITNEY BOWES
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MAILED FROM ZIP CODE 83702

RECEIVED

AUG 24 2006

DEPARTMENT OF
WATER RESOURCES

MICHAEL HEATH
NANCY HEATH
401 N PALMER LN
EAGLE ID 8361

HEAT401 836162008 1706 05 08/22/06
RETURN TO SENDER
HEATH
668 N SHADOWFOX PL
EAGLE ID 83616-5678
RETURN TO SENDER

*Added to the
Service List.*
FAACSM5 8

IDAHO DEPARTMENT OF WATER RESOURCES

FAX

To:	Bruce Smith	From:	Deborah J. Gibson (208) 287-4942
Fax:	331-1202	Date:	August 24, 2006
Phone:	331-1800	Pages:	4
Re:	City of Eagle Appl. Nos. 63-32089 & 63-32090	CC:	

Urgent For Review Please Comment Please Reply Please Recycle

Attached is a copy of the August 18, 2006, letter Mr. Spackman issued in the above-referenced matter. Thank you for your phone call yesterday, informing me that your office had moved in June. Mailings for this matter was continuing to go to your old mailing address on 9th Street. I have updated everything in this matter that references your address, and in the future I will check to make sure we are using the correct address. Thank you for your attention to this matter and informing us of the error.

Please contact me at the above number if you have any problems with the transmission of this fax.

*new address: 950 W. Bannock, Ste 520, Boise 83702
Phones are the same.*



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

August 18, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Re: In the matter of the protested applications for permit to appropriate water nos. 63-32089 and 63-32090 in the name of the City of Eagle

Dear Parties:

On March 10, 2006, I issued an *Order Continuing Hearing and Canceling Prehearing Deadlines* in the above-referenced matter before the Idaho Department of Water Resources ("IDWR"). The order stated as follows:

... upon completion of construction of the test wells, the City of Eagle shall arrange a time for the anticipated pump tests with the other parties. When the date(s) for the pump tests have been arranged, the City of Eagle shall notify the Department of the test date(s). After receiving notice of the test date(s), the Department will inquire about available dates for a hearing. The hearing will be scheduled no earlier than ninety days following the date of the test to allow the exchange of information and discovery previously authorized.

On July 12, 2006, Bruce M. Smith, Attorney for the City of Eagle, sent me a letter stating, "the pump test conducted by the City of Eagle has been completed." The letter also stated that the data from the test was being compiled and sent to IDWR by Friday, July 14, 2006. The letter from Smith suggested two scheduling options for a hearing. The first option suggested hearing dates of August 30-31, 2006. The second option suggested hearing dates of October 10-11, 2006.

On July 24, 2006, I received a letter from Jerry A. Kiser, Attorney for Star Sewer & Water District. Kiser stated that the October 2006 dates probably allow sufficient time for hearing preparation. He also stated that the August 2006 dates do not allow sufficient time for hearing preparation.

In my March 2006 order, I stated "...the hearing will be scheduled no earlier than ninety days following the date of the test to allow the exchange of information and discovery previously authorized." While the date of the test has already past, and the data has been gathered and analyzed, a second part of my order stated "...the City of Eagle shall notify the department of the test date(s)." The purpose of this notice was two-fold. First, notice of the test would allow IDWR and other perspective parties to participate in gathering the test data. Second, disclosure of the test date to the hearing officer would have allowed additional time for discovery and hearing preparation. Although IDWR staff was probably aware of the test dates, I was not. As a result, I will schedule the hearing approximately ninety-days (90) following receipt of a notice of completion of the test.

August 18, 2006

Page 2

The purpose of the ninety-day (90) delay in holding a hearing is to allow the parties to adequately digest the data from the pump test and to prepare for the hearing. Upon written request from a party, the City of Eagle's attorney should provide the results of the test to the requesting party. Additionally, I have a scheduling conflict during the October 10-11, 2006, hearing date suggested by the City of Eagle's attorney. I will attempt to schedule the hearing in November 2006. By this letter, I ask the parties to provide me with their **unavailable dates** for November and December 2006.

Secondly, the City of Eagle requested that I order the parties to submit written testimony, and that the hearing focus on cross-examination. Jerry A. Kiser, attorney for Star Sewer & Water District, in his July 21, 2006, letter, appears not to object to pre-filing testimony with the hearing officer. No other parties submitted comments regarding this request to IDWR.

The hearing officer will not force any party to pre-file testimony. This is particularly true of pro se parties. The parties may choose to pre-file testimony if they like. As a result, with the submittal of unavailable dates, the parties shall also indicate whether they would like to pre-file testimony.

Please submit, on or before August 31, 2006, your availability calendars and a statement about whether you will pre-file testimony. If you fail to submit the requested information, the hearing officer will assume all prospective hearing dates are open and that you will not pre-file testimony.

Following receipt of the above information, the hearing officer will promptly schedule a hearing and establish deadlines for additional discovery.

Sincerely,



Gary Spackman
Hearing Officer

Cc: All the parties on service list (attached)

SERVICE LIST

(As of 1/19/06)

DANA & VIKI PURDY
5926 FLOATING FEATHER
EAGLE ID 83616

JOSEPH & LYNN MOYLE
C/O MICHAEL MOYLE
480 N PLUMMER RD
STAR ID 83669

MICHAEL MCCOLLUM
1290 BUTTERFIELD
SAN ANSELMO CA 94960

MICHAEL HEATH
NANCY HEATH
401 N PALMER LN
EAGLE ID 83616

TIM CHENEY
PO BOX 190027
BOISE ID 83719

JERRY & MARY TAYLOR
3410 HARTLEY
EAGLE ID 83616

CORRIN & TERRY HUTTON
10820 NEW HOPE RD
STAR ID 83669

BOB & ELSIE HANSON
4151 HARTLEY RD
EAGLE ID 83616

SAM & KARI ROSTI
1460 N POLLARD LN
STAR ID 83669

EUGENE MULLER
320 N PALMER LN
EAGLE ID 83616

CHARLES MEISSNER JR
3101 N PALMER
EAGLE ID 83616

CHARLES HOWARTH
C/O GUNNER & MATT HOWARTH
833 N PALMER
EAGLE ID 83616

BILL FLACK
4035 HARTLEY RD
EAGLE ID 83616

RONALD SCHREINER
2153 N POLLARD LN
STAR ID 83669

CITY OF STAR
C/O ROD LINJA
131 SW 5TH AVE STE A
MERIDIAN ID 83642

TONY & BRENDA O'NEIL
1910 N MTN VISTA LN
STAR ID 83669

SCOTT & NANCY REESER
499 N LINDER RD
EAGLE ID 83616

LEEROY & BILLIE MELLIES
6860 W STATE ST
EAGLE ID 83616

RALPH & BARBARA WILDER
7320 W STATE ST
EAGLE ID 83616

DEAN & JAN COMBE
6440 W BEACON LIGHT
EAGLE ID 83616

NORMA MARES
23966 BLESSINGER RD
STAR ID 83669-5016

BRUCE M SMITH
MOORE SMITH BUXTON TURKE
225 N 9TH STE 420
BOISE ID 83702

JULIE K FISCHER
5700 E FRANKLIN RD
STE 200
NAMPA ID 83687

JERRY A KISER
STOPPELLO & KISER
620 W HAYS
BOISE ID 83702

JOHN M MARSHALL
GIVENS PURSLEY
PO BOX 2720
BOISE ID 83701-2720

AL SHOUSHARIAN
1119 N EAGLE RD
EAGLE, ID 83616

BUD ROUNDTREE
LINDA BALLARD
468 N LONGHORN AVE
EAGLE ID 83616

WESTERN REGION
ATTN JOHN WESTRA
2735 AIRPORT WAY
BOISE ID 83705-5082

MOORE SMITH BUXTON & TURCKE, CHARTERED
RECEIVED

ATTORNEYS AND COUNSELORS AT LAW

950 W. BANNOCK STREET, SUITE 520
BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

JUL 12 2006

DEPARTMENT OF
WATER RESOURCES
JOHN J. McPHERSON
of Counsel

STEPHANIE J. BONNEY
SUSAN E. BUXTON*
MICHAEL C. MOORE†
PAUL J. FITZER
BRUCE M. SMITH
PAUL A. TURCKE‡
TAMMY A. ZOKAN'

* Also admitted in Oregon
† Also admitted in Washington
‡ Also admitted in South Dakota
' Also admitted in New Mexico

July 11, 2006

Mr. Gary Spackman
Idaho Department of Water Resources
322 E. Front Street
Boise, ID 83720-0098

Re: Applications to Appropriate Water Nos. 63-32089 and 63-32090 in the name of
the City of Eagle

Dear Mr. Spackman:

Pursuant to the Department's order dated March 10, 2006, this is notice that the pump test conducted by the City of Eagle has been completed. The data from the test will be compiled and sent to the Department by Friday, July 14, 2006. Accordingly, the City would like to schedule a hearing date.

Because the pump test data appears to be consistent with that identified in previous tests in the area, the City asks that this be taken into consideration in scheduling the hearing. In order to make the hearing process more efficient and because the City has gone to extraordinary length and cost to gather this data, the City is proposing that the applicant and the protestants use pre-filed, written testimony. The hearing would be focused on cross-examination of the respective witnesses. The City believes two days would suffice.

The City proposes either of the following dates for a hearing, including a date for pre-filing written testimony.

OPTION 1

August 16, 2006 – Submission of written testimony

August 30-31, 2006 – Hearing dates

Mr. Gary Spackman
July 10, 2006
Page 2

OPTION 2

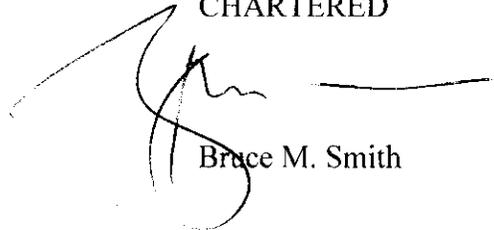
September 26, 2006 – Submission of written testimony

October 10-11, 2006 – Hearing dates

Thank you for your consideration of this request.

Sincerely,

MOORE SMITH BUXTON & TURCKE
CHARTERED

A handwritten signature in black ink, appearing to read 'Bruce M. Smith', is written over the typed name. The signature is stylized with a large initial 'B' and a long horizontal stroke extending to the right.

Bruce M. Smith

BMS/clb

cc: City of Eagle
Protestants



MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AT LAW

BANNER BANK BUILDING, SUITE 520
950 WEST BANNOCK STREET, BOISE, ID 83702
TELEPHONE (208) 331-1800 FAX (208) 331-1202

FACSIMILE COVER SHEET

DATE: July 11, 2006 RECIPIENT'S FAX: 287--6700

TO: Gary Spackman CLIENT: _____

RE: Hearing Date for Applications Nos. 63-32809 and 63- 32090/City of Eagle

FROM: Bruce M. Smith/Jen

NUMBER OF PAGES INCLUDING THIS COVER SHEET: _____

- ORIGINAL WILL NOT BE SENT
- ORIGINAL WILL BE SENT BY FIRST CLASS MAIL
- ORIGINAL WILL BE SENT BY FEDERAL EXPRESS

ADDITIONAL COMMENTS:

Gary—Please see attached hearing request. Copies are being sent to all Protestants. Thanks Bruce

***** IMPORTANT MESSAGE *****

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.



MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

950 W. BANNOCK STREET, SUITE 520
BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX (208) 331-1202

STEPHANIE J. BONNEY
SUSAN E. BUXTON*
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BRUCE M. SMITH
PAUL A. TURCKE*
TAMMY A. ZOKAN*

JOHN J. MCFADDEN**
of Counsel

* Also admitted in Oregon
† Also admitted in Washington
* Also admitted in South Dakota
* Also admitted in New Mexico

July 11, 2006

Mr. Gary Spackman
Idaho Department of Water Resources
322 E. Front Street
Boise, ID 83720-0098

Re: Applications to Appropriate Water Nos. 63-32089 and 63-32090 in the name of
the City of Eagle

Dear Mr. Spackman:

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The City proposes either of the following dates for a hearing, including a date for pre-filing written testimony.

OPTION 1

August 16, 2006 – Submission of written testimony

August 30-31, 2006 – Hearing dates



Mr. Gary Spackman
July 10, 2006
Page 2

OPTION 2

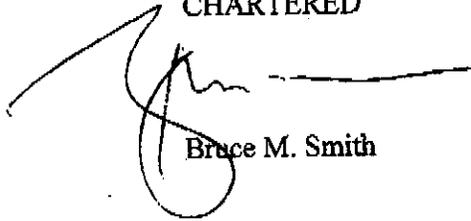
September 26, 2006 – Submission of written testimony

October 10-11, 2006 – Hearing dates

Thank you for your consideration of this request.

Sincerely,

MOORE SMITH BUXTON & TURCKE
CHARTERED



Bruce M. Smith

BMS/clb

cc: City of Eagle
Protestants

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

IN THE MATTER OF APPLICATIONS TO)
APPROPRIATE WATER NOS. 63-32089)
AND 63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
_____)

**ORDER CONTINUING
HEARING AND CANCELING
PREHEARING DEADLINES**

On February 28, 2006, the Idaho Department of Water Resources (“Department”) received a letter from Bruce M. Smith, attorney for the City of Eagle, notifying the Department that the two test wells authorized for construction by the Department had not been constructed. The letter stated “the City of Eagle will not be able to get the pump test completed pursuant to the existing schedule.” The letter also stated “the hearing in April will not be possible.” The letter requested that “the hearing be rescheduled along with some of the dates in the scheduling order.”

ORDER

IT IS HEREBY ORDER that the hearing scheduled for **April 10 through 14, 2006**, is **canceled** and **continued** until a latter date.

IT IS FURTHER ORDERED that the deadlines for data gathering, disclosure, discovery, and evidence exchange set forth in the Order Authorizing Discovery and Prehearing Order dated January 19, 2006 are **canceled**.

IT IS FURTHER ORDERED that, upon completion of construction of the test wells, the City of Eagle shall arrange a time for the anticipated pump tests with the other parties. When the date(s) for the pump tests have been arranged, the City of Eagle shall notify the Department of the test date(s). After receiving notice of the test date(s), the Department will inquire about available dates for a hearing. The hearing will be scheduled no earlier than ninety days following the date of the test to allow the exchange of information and discovery previously authorized.

Dated this 10th day of March, 2006.



Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of March, 2006, a true and correct copy of the foregoing document described below was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Order Continuing the Hearing and Canceling the Prehearing Deadlines

DANA & VIKI PURDY
5926 FLOATING FEATHER
EAGLE ID 83616

JOSEPH & LYNN MOYLE
C/O MICHAEL MOYLE
480 N PLUMMER RD
STAR ID 83669

MICHAEL MCCOLLUM
1290 BUTTERFIELD
SAN ANSELMO CA 94960

MICHAEL HEATH
NANCY HEATH
401 N PALMER LN
EAGLE ID 83616

TIM CHENEY
PO BOX 190027
BOISE ID 83719

JERRY & MARY TAYLOR
3410 HARTLEY
EAGLE ID 83616

CORRIN & TERRY HUTTON
10820 NEW HOPE RD
STAR ID 83669

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BUD ROUNDTREE
LINDA BALLARD
468 N LONGHORN AVE
EAGLE ID 83616

WESTERN REGION
ATTN JOHN WESTRA
2735 AIRPORT WAY
BOISE ID 83705-5082


Deborah J. Gibson
Administrative Assistant

RECEIVED

FEB 28 2006

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

225 NORTH 9TH STREET, SUITE 420
BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

DEPARTMENT OF
WATER RESOURCES

STEPHANIE J. BONNEY
SUSAN E. BUXTON*
MICHAEL C. MOORE‡
BRUCE M. SMITH
PAUL A. TURCKE^o
CHRISTOPHER E. YORGASON
TAMMY A. ZOKAN⁺

JOHN J. MCFADDEN*
of Counsel

* Also admitted in Oregon
‡ Also admitted in Washington
^o Also admitted in South Dakota
⁺ Also admitted in New Mexico

February 24, 2006

Mr. Gary Spackman
Idaho Department of Water Resources
322 E Front Street
Boise, Idaho 83720-0098

Re: City of Eagle Applications for Permit Nos. 63-32089 and 63-32090

Dear Mr. Spackman:

Because of delays in being able to get wells drilled and other factors, the City of Eagle will not be able to get the pump test completed pursuant to the existing schedule. Thus the hearing in April will not be possible. The City is requesting that the hearing be rescheduled along with some of the dates in the scheduling order. I would like to discuss this with the Department but also wanted to alert the Department and protestants as to this situation.

Sincerely,

MOORE SMITH BUXTON & TURCKE
CHARTERED



Bruce M. Smith

BMS:jj
cc: Protestants

**IDAHO DEPARTMENT OF
WATER RESOURCES**

FAX

To:	Jennifer	From:	Deborah J. Gibson (208) 287-4942
Fax:	331-1202	Date:	February 23, 2006
Phone:	331-1800	Pages:	5
Re:	City of Eagle Appl. Nos. 63-32089 & 63-32090	CC:	

Urgent For Review Please Comment Please Reply Please Recycle

See attached copy of the Notice of Hearing, Order Authorizing Discovery, and Prehearing Order dated January 19, 2006, regarding the above-referenced protested applications. According to my file a copy was sent to Mr Smith, and he appears in my mailing labels for this matter. Additionally, this notice went out to the parties with letters dated January 20, 2006. If your file does not contain those letters, please let me know.

Also, please contact me at the above number if you have any problems with the transmission of this fax.

Mr. Gary Spackman



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 6, 2006

Mr. Jerry A. Kiser
Attorney at Law
620 W. Hays Street
Boise, ID 83702

RECEIVED
FEB 08 2006
DEPARTMENT OF
WATER RESOURCES

RE: Request for information related to drilling of wells by the City of Eagle

Dear Mr. Kiser:

The Idaho Department of Water Resources (department) received your letter dated February 1, 2006, requesting information and data associated with the drilling of the referenced wells. Pursuant to the **Order Authorizing Discovery and Prehearing Order** signed by the hearing officer on January 19, 2006, this office is requesting that these inquiries be directed to the City of Eagle as required by the Order.

Respectfully,

A handwritten signature in black ink, appearing to read 'RB Whitney'.

Robert B. Whitney
Sr. Water Resource Agent
IDWR Western Region

cc: Gary Spackman, John Westra

RECEIVED

FEB 02 2006

WATER RESOURCES
WESTERN REGION

STOPPELLO & KISER
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAYS STREET
BOISE, IDAHO 83702

FRANK W. STOPPELLO
JERRY A. KISER
F. MATTHEW STOPPELLO

TELEPHONE (208) 336-1020
FACSIMILE (208) 336-1027

February 1, 2006

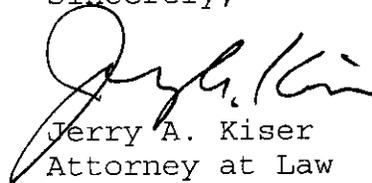
Rob Whitney
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: City of Eagle Water Application
Nos. 63-32089 and 63-32090/Pump Test

Dear Mr. Whitney:

Would you please advise me when the applicant completes the pilot boring hole for the wells authorized by permit nos. 835987 and 837870. I would also appreciate being provided the geophysical logs and contemplated final design approved by the Department for each of these wells. If you have information regarding the current progress of the wells, I would very much appreciate being advised as to the progress and contemplated completion date.

Sincerely,


Jerry A. Kiser
Attorney at Law

JAK:jf

cc: Star Sewer & Water
Tom Wood
Justin Walker

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
100 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

PRESORTED
FIRST CLASS



02 1A
0004389390
\$ 00.53⁰
JAN 20 2006
MAILED FROM ZIP CODE 83702

- Enclosed:
1. Notice of Hearing;
 2. 1-20-06 Letter to B. Smith; and
 3. Roundtree's Protest

Munk

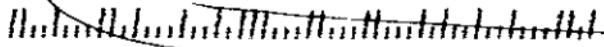
TIM CHENEY
PO BOX 190027
BOISE ID 83719

RECEIVED
JAN 26 2006
DEPARTMENT OF
WATER RESOURCES

NIXIE 2018 1 21 01/24/06

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
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83720/0098
83719



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

IN THE MATTER OF APPLICATIONS TO)	
APPROPRIATE WATER NOS. 63-32089 AND)	
63-32090 IN THE NAME OF THE CITY)	
OF EAGLE)	
_____)	
	NOTICE OF HEARING, ORDER AUTHORIZING DISCOVERY, AND PREHEARING ORDER

NOTICE OF HEARING

PLEASE TAKE NOTICE that a formal hearing will be held on **April 10 through 14, 2006, beginning at 9:00 a.m. in Boise, Idaho** at the offices of the Idaho Department of Water Resources (“Department”), 322 East Front Street, Sixth Floor (in the Water Center building on the corner of Broadway Avenue and Front Street). Parking is available in the parking facility to the west of the Water Center building. There is a charge for parking in this location.

If the Department has any difficulty holding the hearing at this location, a second notice of hearing will be issued.

If you plan to offer exhibits for the record at the hearing, note that Rule 606 of the Department's Rules of Procedure requires that a copy be provided to each party and to the presiding officer.

The presiding officer at the hearing will be Gary Spackman.

The hearing will be held in accordance with the provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, and the adopted Rules of Procedure of the department. IDAPA 37.01.01. A copy of the rules may be obtained from the department upon request.

The hearing will be conducted in accordance with the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the Department within 10 days prior to the hearing. Inquires about scheduling, hearing facilities, etc., should be directed to Deborah Gibson, Administrative Assistant, Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho 83720-0098, telephone: (208) 287-4942, fax: (208) 287-6700.

ORDER AUTHORIZING DISCOVERY AND PREHEARING ORDER

IT IS HEREBY ORDERED that the parties may engage in discovery as follows:

1. General discovery can begin immediately.
2. All physical pumping tests or other data gathering activities related to water availability, possible injury to other water users, or public interest concerns must be completed on or before March 1, 2006. Pump testing and data gathering for a pump test conducted by the City of Eagle after March 1, 2006, is cause for a delay in the hearing.
3. Upon receiving a written request from another party (by letter, email, memorandum, or other common form of written communication), the City of Eagle or any other party that gathered data during any pump test, must submit the data gathered during the pump test to the requesting party. Parties that gathered data must submit the requested data to the requesting party within seven days of receiving the request.
4. On or before March 17, 2006, each party must disclose to all other parties, in writing, the identity of all expert witnesses that will or may testify at the hearing.
5. All written discovery requests shall be served on or before March 17, 2006. Answers to written discovery must be served on the requesting party within fourteen (14) days of service of the request. All responses to discovery shall be served on or before March 31, 2006.
6. Written requests for discovery must be either interrogatories or requests for documents. (Requests for admission are not allowed). No more than 10 interrogatories may be served by any party (or the attorney for several parties) on another party, and no more than 10 unanswered interrogatories served by any party (or the attorney for several parties) may be pending.
7. All depositions shall be complete on or before April 5, 2006.

IT IS FURTHER ORDERED that, on or before April 5, 2006, each party must serve on all other parties copies of exhibits that may be offered at the hearing.

Dated this 19th day of January, 2006.


Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of January 2006, a true and correct copy of the above and foregoing document described below were served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Notice of Hearing, Order Authorizing Discovery, and Prehearing Order

DANA & VIKI PURDY
5926 FLOATING FEATHER
EAGLE ID 83616

JOSEPH & LYNN MOYLE
C/O MICHAEL MOYLE
480 N PLUMMER RD
STAR ID 83669

MICHAEL MCCOLLUM
1290 BUTTERFIELD
SAN ANSELMO CA 94960

MICHAEL HEATH
NANCY HEATH
401 N PALMER LN
EAGLE ID 83616

TIM CHENEY
PO BOX 190027
BOISE ID 83719

JERRY & MARY TAYLOR
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WESTERN REGION
ATTN JOHN WESTRA
2735 AIRPORT WAY
BOISE ID 83705-5082


Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 20, 2006

BRUCE M SMITH
MOORE SMITH BUXTON & TURKE
225 N 9TH STE 420
BOISE ID 83702

RE: Applications for Permit # 63-32089 & 63-32090, in the name of the City of Eagle

Dear Mr. Smith:

Enclosed is a copy of a petition to intervene filed against the issuance of the above referenced applications.

If you object to the Department accepting this Petition to Intervene, you must file a motion stating your objections within seven days (7) after receipt of the petition to intervene. See Rule 354 of the Department's Rules of Procedure.

In addition, Rules 302 and 303 of the Department's Rules of Procedure requires:

All documents intended to be part of the agency record for decision must be served upon the representatives of each party of record concurrently with filing the original with the officer designated by the agency to receive filings in the case; and,

Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service....

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

cc: City of Eagle Service List

SERVICE LIST

(As of 1/19/06)

DANA & VIKI PURDY
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WESTERN REGION
ATTN JOHN WESTRA
2735 AIRPORT WAY
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State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 20, 2006

BUD ROUNDTREE
LINDA BALLARD
468 N LONGHORN AVE
EAGLE ID 83616

RE: Applications for Permit Nos. 63-32089 & 63-32090, in the name of the City of Eagle

Dear Intervenors:

On January 12, 2006, you filed a document titled "Notice of Protest" objecting to applications to appropriate water nos. 63-32089 and 63-32090. Because of the timing of your filing, the document will be viewed as a petition to intervene under Rule 352 of the Idaho Department of Water Resources' ("Department") Rules of Procedure.

Your petition to intervene in the contested case for the above referenced applications has been sent to the applicant and the other protestants. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the applications and to attempt to resolve your concerns. Parties to the contested case may file motions opposing the acceptance of this Petition to Intervene according to Rule 354 of the Department's Rules of Procedure within seven (7) days of being served a copy of the petition.

Following expiration of the period of time for objecting to your intervention, the Department will act on your petition.

In addition, Rules 302 and 303 of the Department's Rules of Procedure requires:

All documents intended to be part of the agency record for decision must be served upon the representatives of each party of record concurrently with filing the original with the officer designated by the agency to receive filings in the case; and,

Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service....

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BOISE ID 83719

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EAGLE ID 83616

WESTERN REGION
ATTN JOHN WESTRA
2735 AIRPORT WAY
BOISE ID 83705-5082

January 10, 2006

RECEIVED

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

JAN 12 2006

NOTICE OF "INTERVENE" FILING OF PROTEST
SUBJECT TO DEPT.'S RULE OF PROCEDURE, IDAPA 37.01.01203
RE: CITY OF EAGLE FILING'S OF: 63-32089 & 63-32090

WATER RESOURCES
WESTERN REGION

TO WHOM IT MAY CONCERN:

PLEASE FIND ENCLOSED, (ATTACHED), OFFICIAL FILING OF "NOTICE OF PROTEST" FORM WHICH IS A FILING FOR "NOTICE TO INTERVENE PROTEST'S" ALREADY FILLED WITH THE STATE OF IDAHO DEPARTMENT OF WATER RESOURCES.

THIS NOTICE IS FILED BY PROPERTY AND RESIDENCE OWNER(S) - BUD R. ROUNTREE AND LINDA BALLARD (wife) RESIDING AT 468 N. LONGHORN AVE. , EAGLE, IDAHO 83616.

LONGHORN AVE. IS A DEAD-END STREET PROVIDING ACCESS TO LAND-HOMEOWNER'S OF APPROX. 5 ACRE PARCELS THAT MAY EVENTUALLY BE BORDERED BY THE PROPOSED LEGACY PROJECT, OF WHICH THE CITY OF EAGLE HAS RECENTLY ZONED INTO THEIR CITY LIMITS. **NOTE** LONGHORN AVE. AND ACCOMPANYING AREAS ARE NOT IN THE CITY LIMITS OF EAGLE. THE LINCOLN PARK SUBDIVISION WHICH IS SERVED BY LONGHORN IS AN ESTABLISHED SUBDIVISION THAT WAS ESTABLISHED APPROXIMATELY 21 YEARS AGO.

WE PURCHASED 5 ACRES AND BUILT A HOMESITE WITH A BARN AND PASTURE LAND FOR HORSES AND LIVESTOCK APPROXIMATELY 3 YEARS AGO, AT WHICH TIME WE CONTRACTED OUT DRILLING AND ESTABLISHMENT OF A DOMESTIC WELL FOR DOMESTIC USE AND LIVESTOCK WATERING WHICH IS APPROVED BY YOUR DEPT.

IN THE PAST FEW MONTHS, WORD AND ANNOUNCEMENTS OF THE PROPOSED LEGACY PROJECT SURFACED AND AT SUCH TIME I WAS HEAVY INTO BUSINESS TRAVEL, (I COVER A TERRITORY OF IDAHO, MONTANA & PART OF WYOMING), AND I WAS NOT MADE AWARE OF THE FILING OF EAGLE CITY FOR WATER RIGHTS WHICH COVER SEVERAL LARGE-PRODUCING WELLS FROM ADJACENT - OR POSSIBLE SAME ACQUIFER THAT OUR WELL DRAWS WATER FROM. I ALSO WAS UN-AWARE OF THE FILING OF PROTESTS FROM SEVERAL ADJACENT LANDOWNERS AND NEIGHBORS REGARDING THE EAGLE CITY APPLICATIONS OF 63-32089 AND 63-32090. UPON RECENTLY VISITING WITH A REPRESENTATIVE OF YOUR OFFICE I ASKED TO JOIN IN ON THE FILING OF "PROTEST" AND WAS ADVISED THAT AT THIS TIME I NEEDED TO FILE AN "INTERVENTION-PROTEST" OF WHICH I AM SUBMITTING AT THIS TIME.

I BELIEVE THAT BECAUSE OUR PROPERTY AND WELL IS ADJACENT TO THE PROPOSED PROJECT AND WELLS THAT THE CITY OF EAGLE HAS PROPOSED, THAT IT IS OF GREAT CONCERN AND POSSIBILITY THAT OUR WELL MAY BE ADVERSLEY IMPACTED BY THESE LARGE - NEARBY WELLS. I ASKED THAT I BE PERMITTED TO JOIN THE PROTEST ACTION IN ORDER TO LEGALLY PROTECT MY WATER RIGHTS AND QUALITY OF WATER.

IF I HAD BE AWARE OF THE SUBSEQUENT ACTION OF THE CITY OF EAGLE AND OF THE PROTESTS ALREADY FILED, I WOULD HAVE JOINED IN ON THIS ACTION FROM THE ON SET OF IT, HOWEVER DUE TO MY TRAVEL AND NOT BEING ABLE TO STAY ABREAST OF THE SITUATION UNTIL RECENTLY I WAS NOT TOTALLY AWARE OF THE SITUATION AND POSSIBLE DETRIMENTAL CONSEQUENCES OF THESE WELLS AND OF THIS PROJECT.

AS A LANDOWNER AND LIFETIME CITIZEN OF THE STATE OF IDAHO, I BELIEVE I AM WITHIN MY LEGAL RIGHTS TO REQUEST YOUR APPROVAL OF MY PETITION TO JOIN IN ON THIS "PROTEST". PLEASE FIND ENCLOSED, \$25.00 FOR EACH APPLICATION - TOTALING \$50.00

THANK YOU FOR YOUR TIME,

RESPECTFULLY

 1/10/06
BUD R. ROOUNTREE
468 N. LONGHORN AVE., EAGLE, ID. 83616
208-890-5345 - CEL TEL. #

Idaho Department of Water Resources Receipt

Receipt ID W033737

Payment Amount Date Received Region Status

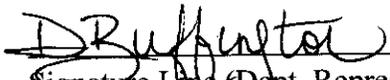
Payment Type Check Number

Payer

Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	PROTESTS	0229	21	62103	1155


 Signature Line (Dept. Representative)

Idaho Department of Water Resources Receipt

Receipt ID W033738

Payment Amount Date Received Region Status

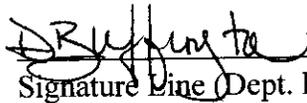
Payment Type Check Number

Payer

Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	PROTESTS	0229	21	62103	1155



 Signature Line (Dept. Representative)

*IDAHO DEPARTMENT OF
WATER RESOURCES*

Fax

To: Amanda **From:** Deborah J. Gibson
(208) 287-4942

Fax: 388-1300 **Date:** January 12, 2006

Phone: 388-1291 **Pages:** 3

Re: City of Eagle Appl. No. 63-32089 **CC:**

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

•Comments:

I am attaching a copy of the hearing officer's letter dated Dec. 5, 2005, and the service list. In response to your phone call today, I will change the Service List to reflect John Marshall's address and remove United Water's for future mailings. Thank you for bring this error to my attention.

Please contact me at the above number if you have any problems with the transmission of this fax, or if you have any questions.

Printed 12/19/2005
Drilling Permit No. 837870
Well Tag No. D0042405
Well ID # 408297
Water Right No. 63-32090, 63-32089
Receipt # W033645
Approved Date 12/22/2005

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
DRILLING PERMIT**

Relationship: Applicant
Name: CITY OF EAGLE
Address: PO BOX 1520
EAGLE ID 83616

Phone: (208)939-6813

Proposed Well Location: Township 04N, Range 01W, Section 11, NW, SE
COUNTY ADA Block 8 Sub Name WELL #2; LOTS 83 & 84, BLK 8,
EAGLEFIELD ESTATES SUB

Street Address of Well Site: 50 FT W OF INTERSECTION OF W TATLOCK DR & N GOLDEN
CROWN
EAGLE ID

Proposed Use of Well: Domestic-Public Water Supply
Municipal
Test

Well Construction Information:

- A. New Well
- B. Proposed Surface Diameter: 16 Inches. Proposed Depth 500 Feet.
- C. Anticipated Bottom Hole Temperature: 85F and less

Construction Start Date: Jan 03 2006

Anticipated Well Drilling Company: RIVERSIDE INC (No. 333)

Applicant's Signature: Orig. Appl. Attached Date 12-7-05

Title: _____

Well Tag No. D0041980

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This permit is Approved on Thursday, December 22, 2005.

1. A geophysical log shall be run in the pilot boring of this well to determine specific locations of permeable units and confining layers.
2. Final design and completion of this well shall be approved by IDWR based on actual geologic conditions encountered in the pilot bore.
3. If an annular slurry seal of bentonite is to be utilized, a high (>30%) solids bentonite shall be pumped from the bottom up to land surface. The bentonite shall not contain chemical polymers which effect long term stability of the seal (and are often found in drilling fluid grade bentonites) but shall be a bentonite which has been specifically recommended by the manufacturer for use as a seal material in water wells.
4. Aquifers with significantly different head, temperature or quality shall not be commingled.
5. The location at which this well is to be constructed must be at a site approved by the Idaho Department of Environmental Quality. The local Health District should also be contacted for septic tank/drain field locations. This well must not be drilled closer than 100 feet from any drain field or 100 feet from any septic tank.
6. All casing to be joined by welding shall have welds that are fully penetrating and at least as thick as the casing being joined. Both ends of casing joints shall be properly beveled and gapped to allow a fully penetrating root pass of E7018 or E6010 electrode. One or more additional passes are required to completely fill any remaining groove at the weld joint. Single-pass weld joints are not acceptable for joining steel casing.
7. This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
8. The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.
9. Approval of this drilling permit does not authorize trespass on the land of another party.
10. This permit does not constitute other local, county, state or federal approvals that may be required for construction of a well.
11. This drilling permit does not represent a right to divert and use the water of the State of Idaho. If the well being drilled is associated with approved water rights(s) use of the well must comply with conditions of said water right(s).
12. If a bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department of Water Resources immediately.
13. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or its contractors to contact "Dig-line" (Dig-Line is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Dig-Line " Number for this location is 1-800-342-1585
14. The well tag for the drilling permit/start card shall be securely and permanently attached to the well casing through welding or by the use of four closed end domed stainless steel pop rivets. The tag attachment will be done at the time of completion of the well, and prior to removing the drill rig from the drill site.
15. No water shall be produced from this well or any fluid injected into this well without specific written authorization from the Department.

16. Pump testing of this well is limited to a quantity and duration specifically authorized by the Department and is included as an attachment to this drilling permit. Prior to diverting any water from this well the well owner shall execute and sign a Memorandum of Understanding (MOU) with the department.

17. Diversion and use of water from this well for purposes other than an approved pump test is not authorized unless the well owner has obtained a valid water right listing the well as a point of diversion.

18. Approval of this drilling permit does not suggest any intent by the Department to approve or process a water right application that would authorize use from this well.

19. This drilling permit is not valid and well construction shall not commence until a bond is secured by the well owner in favor of the director in a sufficient amount for proper abandonment of this well. The bond for this well shall be \$15,000.

20. This drilling permit is approved for the construction of a "Production Test" well intended to be used for determining sufficiency of water supply and evaluating the effect of pumping on a regional or local aquifer system.

21. This permit does not constitute an approval of the local Health District or the Idaho Department of Environmental Quality which may be required prior to construction of this well.

22. The uppermost unconfined aquifer shall be cased and sealed to exclude water from this zone from entering the well. All seals will be placed from the bottom up. Placement of any seal should be based upon actual geologic conditions encountered during drilling.

23. The project engineer or geologist will be on site during seal placement should any peculiarities arise which require further evaluation. Any alteration of the proposed well construction procedure shall be approved by the Department before it is undertaken.

24. The well owner hereby assumes all risks associated with constructing this well prior to obtaining a water right authorizing use from the well. This risk may include a directive by the Department to plug and abandon the well.

25. The screened, perforated, filter packed or otherwise open and commingled strata shall not exceed 25% of the total well depth as measured from the bottom of the open interval to the top of the open interval(s). If, however, through geophysical logging of the well (or other means), it can be demonstrated the aquifers to be produced from are under similar hydraulic head, temperature and quality and are not subject to waste or contamination, a greater open interval (screened or filter packed section) may be approved by the Department.

26. If an annular space of at least 4 inches greater than the outside diameter of the casing is provided, bentonite chips may be poured at the manufacturers recommended rate or no greater than 50 pounds in five minutes. The pour shall be presifted through 1/4 inch mesh screen to reduce the introduction of fines. The top of the seal shall be tagged at regular intervals, i.e. (30 ft. intervals) during placement with a sinker bar or other appropriate device to ensure the seal is reaching the intended depth. If bridging occurs, the Department shall be contacted immediately for evaluation.


Signature of Authorized Dept Representative


Title

Form 236-1
1/31/03

Drilling Permit No. 892605-837870
Drilling Permit I.D. Tag No. D0042405
Water Right Permit No. 63-32089, 63-32090
Injection Permit No. _____

State of Idaho
Department of Water Resources
TEST WELL NO. 2
(EAGLEFIELD)

RECEIVED
DEC 01 2005
WATER RESOURCES
WESTERN REGION

RECEIVED
DEC 08 2005
WATER RESOURCES
WESTERN REGION

APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

1. Owner (please print): City of Eagle
2. Mailing Address: 310 E State St
City: Eagle State: ID Zip Code: 83616 Telephone (208) 939-6813
3. Proposed Well Location: Twp. 4N Rge. 1W Sec. 11 1/4 NW 1/4 SE 1/4;
Gov't Lot No. _____ County Ada Lat. _____ Long. _____
Street Address of Well Site 50' W of intersection of W Tatlock Dr & N Golden Crown Wy Eagle
Give at least name of road + Distance to Road or Landmark
Lot, block and subdivision Lots 83 & 84 Block 8 of Eaglefield Estates Subdivision

4. Proposed Use of Well:
 DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/4 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.
Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: Irrigation Municipal Industrial
 Livestock Test Other PWS
Type _____ Number Hds. _____
(Describe)

INJECTION
 MONITORING: A well bore schematic and map is required for each blanket permit. No. of proposed wells: _____

5. Well Construction Information:
A. New well Modify Replace
B. Proposed Casing Diameter 16 inch Proposed Maximum Depth 500 feet
C. Anticipated bottom hole temperature:
 85 F or less (Cold Water Well) 85 F to 212 F (Low Temp. Geo. Well) 212 F. or more (Geothermal Well)

6. Construction Start Date: December 20, 2005

7. Anticipated Well Driller: Riverside, Inc Driller's Lic. No. 333
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's Signature: [Signature] Date December 7, 2005

Address (if different than owner): _____
City: Eagle State: ID Zip Code: 83616 Telephone (208) 939-6813
Title: President, Eagle City Council
(Owner, Firm Representative, Other)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is _____ Date _____

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

GENERAL CONDITIONS:

1. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one(1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare, which may be required before construction of the well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank.
3. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals, which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85 or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "DigLine" Number for your area is 1-800-342-1585.
9. Please be advised that this drilling permit should be considered and treated as a preliminary permit. If you are in disagreement with this preliminary permit you have fourteen (14) days of the service date of this permit to petition the Department for reconsideration pursuant to Section 67-5243, Idaho Code.
10. The well tag for the drilling permit/start card shall be securely and permanently attached to the well casing through welding or by the use of four closed end domed stainless steel pop rivets. The tag attachment will be done at the time of completion of the well, and prior to removing the drill rig from the drill site.

SPECIFIC CONDITIONS:

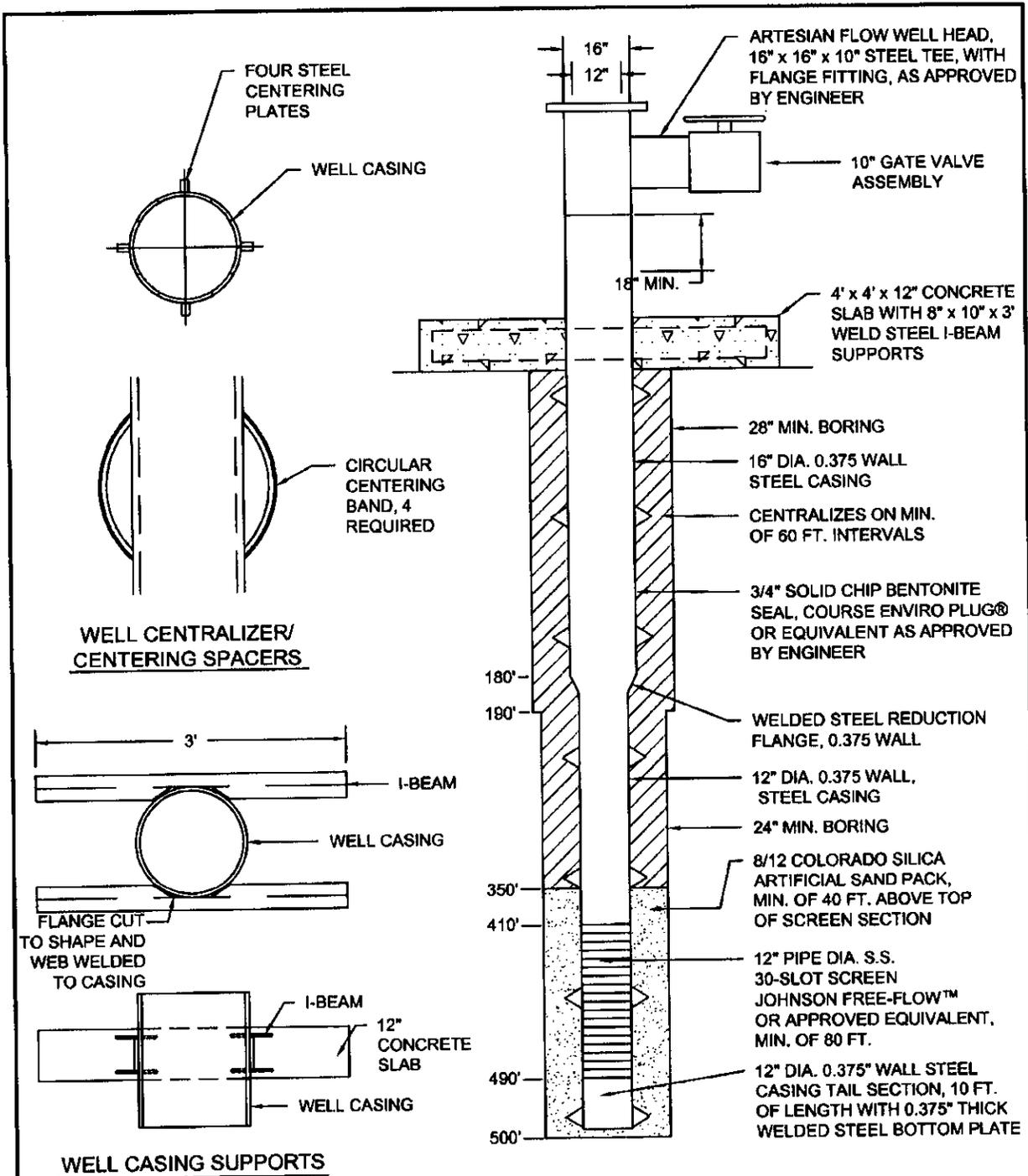
Signature of Authorized Department Representative Title

Receipt No. W033645 Received by DB Fee \$200- Date 12/1/05

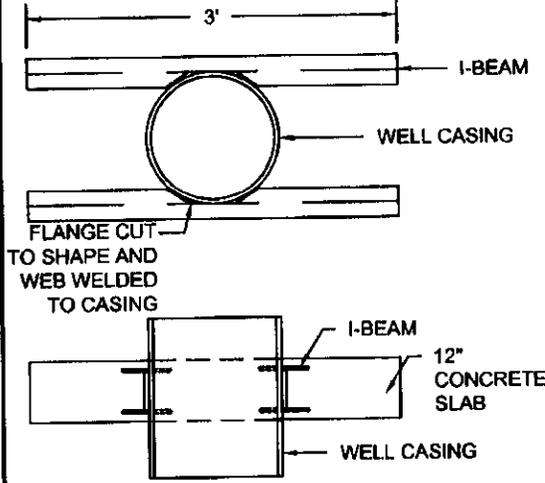
EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension expires: _____



**WELL CENTRALIZER/
CENTERING SPACERS**



WELL CASING SUPPORTS

NOTES:

- 1) ALL DEPTHS ARE APPROXIMATED FROM GROUND SURFACE, SCREEN AND SAND PACK MAY VARY PENDING DRILL RESULTS.
- 2) EST. SCREEN FLOW CAPACITY IS 4.46 CFS (2,009 GPM).
- 3) STATIC WATER LEVEL IS EXPECTED TO BE ARTESIAN WITH 10-20 PSI OF PRESSURE.
- 4) WELL CONSTRUCTION MUST MEET IDEQ PUBLIC DRINKING WATER CONSTRUCTION STANDARDS.

NOT TO SCALE

HOLLADAY ENGINEERING CO.
ENGINEERS • CONSULTANTS
32 N. MAIN P.O. BOX 236 PAYETTE, ID 83861
(208) 842-3300 • FAX (208) 842-2158
EMAIL: hec@holladayengineering.com

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IS PROHIBITED.

**TEST WELL NO. 2
CITY OF EAGLE, IDAHO**

EG 061204
11/03/05
11/15/05
11/15/05
JLJ
CHD

Idaho Department of Water Resources Receipt

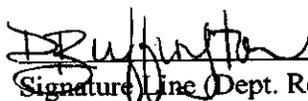
Receipt ID W033645

Payment Amount Date Received Region Status
Payment Type Check Number

Payer
Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$200.00	DRILLING PERMITS	0229	21	62134	1205



Signature Line (Dept. Representative)



HOLLADAY ENGINEERING CO.
ENGINEERS • CONSULTANTS

32 N. Main P.O. Box 235 Payette, ID 83661
(208) 642-3304 • Fax # (208) 642-2159

RECEIVED

NOV 30 2005

WATER RESOURCES
WESTERN REGION

October 28, 2005

Mr. Rob Whitney
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Subject: Proposed Modifications to Aquifer Test Proposal for City of Eagle,
Applications for Water Appropriation 63-32089 and 63-32090
HECO NO. EG061204 and EG 013305

Dear Mr. Whitney,

We completed our field investigation of potential monitoring wells at the Quarter Circle D. J. Ranch and have reviewed comments submitted by protestants concerning the City of Eagle aquifer test proposal. In response to comments and additional field information gathered, we are submitting a number of modifications to the original aquifer test proposal and a finalized test plan for Idaho Department of Water Resources (IDWR) approval. The proposed changes reflect the IDWR aquifer test recommendations as discussed at our November 8, 2005 meeting. The following lists the proposed changes to the aquifer test.

- Monitoring wells proposed for the test – a total of eight monitoring wells consisting of three existing wells on the Quarter Circle D. J. Ranch, construction of two new wells and cooperative use of two United Water Idaho monitoring wells.
- Pumping rate for the test has been changed to 1,500 gpm.
- A borehole geophysical survey will be conducted during construction of new wells.
- The maximum water level measurement frequency has been modified to two hour intervals during the later stages of the test.
- IDWR will be notified in advance of the time and date that the aquifer test will start and end.

The City plans to conduct the aquifer test as soon as possible. The aquifer test is tentative scheduled to start on January 31, 2006. This start date is dependent on the completion of two new wells and regulatory approvals.

In order to perform the aquifer test, the City is requesting IDWR approval to divert groundwater at a 1,500 gpm (3.34 cfs) diversion rate and a maximum volume of 46.52 ac-ft from the aquifer test pumping well (Test Well No. 1) located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 11, T.4N, R.1W. The requested diversion of groundwater is for testing purposes.

The following details the finalized aquifer test proposal and construction of test wells.

Purpose

The primary objectives of the aquifer test are to gather site specific hydrogeologic information in the Lower Treasure Valley Aquifer system from approximately 400 to 500 feet below ground surface as represented on the proposed applications for water appropriation (63-32089 and 63-32090). The aquifer test will consist of pumping and recovery phases to determine aquifer transmissivity and storativity values for wells completed in the lower aquifer zone. The test will provide a field demonstration of pumping effects on groundwater levels at various monitoring well locations at distances up to approximately one mile from the aquifer test pumping well. The information gathered from the test will be used to characterize conditions and behavior of the aquifer system in response to pumping stress. Holladay Engineering Company will conduct the aquifer test and provide engineering services for the aquifer test project.

General Test Parameters

A seven day constant rate pump and recovery aquifer test is proposed at a pumping rate of 1500 gpm. Test Well No. 1 will be used as the pumping well for the test. A total of eight wells were selected for groundwater level monitoring during the test (including the pumping well). Water level measurements will be made on log scale time intervals using down-hole pressure transducer equipment. Back up measurements will be performed with handheld water meters. The proposed aquifer test is similar in size and duration to the United Water of Idaho Floating Feather Well test performed in 1995. The test has been designed to meet DEQ Public Water System requirements for test pumping a groundwater source supply under IDAPA 58.01.08.550.03.i.

Pumping Phase of Test

Test Well No. 1 will be pumped at a constant rate of 1,500 gpm for approximately seven days. The aquifer test pumping duration is a maximum of seven-days or until 72-hours of water level stabilization has occurred in the pumping well. The maximum water volume to be produced is 46.52 ac-ft for a seven day pumping period. A temporary line-shaft turbine pump will be installed and powered by an on-site generator. The pumping rate will be controlled by a discharge valve and monitored using a flow rate and totalizing meters. Groundwater will be discharged to the existing canal and irrigation system on the Quarter Circle D. J. Ranch. Water levels will be monitored in all wells during the pumping phase of the test. The water level draw-down data will be used to determine transmissivity and storativity values.

Recovery Phase of Test

The recovery phase of the test will start at the completion of pumping. Water levels will be monitored in all wells for a period equal to or exceeding the pumping test duration and until full recovery occurs in the pumping well. The water level recovery data will also be used to determine transmissivity and storativity values.

Pre-Test Monitoring

All aquifer test wells will be monitored for water level fluctuations one week prior the start of the pumping phase of the test. The data will be used to evaluate antecedent water level trends and will provide a basis for correction of water level data collected during the test, if needed.

Water Level Monitoring

The criteria used in selecting a well as a water level monitoring well for the aquifer test is listed below.

1. Access to well (property and measuring port)
2. Control of well pumping activity during the aquifer test
3. Well construction and well completion (diameter., depth and screens)
4. Distance from aquifer test pumping well
5. Verification of well completion

A detailed field inspection of existing Quarter Circle D. J. Ranch wells was completed in November 2005 to determine and confirm open intervals and well completion. Three of the ten existing wells meet the monitoring well criteria listed above. The monitoring wells to be used during the aquifer test are listed below.

1. Test Well No. 1: 12- to 16-inch diameter production well to be constructed and completed in the lower aquifer zone from approximately 410 to 500 feet below surface (pending drilling results) in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 11, T.4N, R.1W. The well location is shown on the attached map. This well will be used as the pumping well during the test. A temporary line-shaft turbine pump will be installed capable of meeting a sustained 1,500 gpm pumping rate. The wellhead will be equipped with a flow meter, totalizer meters and valve to monitor and maintain a constant discharge. The water level will be monitored with a pressure transducer and by hand measurement using a water level meter.
2. Test Well No. 2: 12- to 16-inch diameter production well to be constructed and completed in the lower aquifer zone from approximately 410 to 500 feet below surface (pending drilling results) in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 11, T.4N, R.1W. The well location is shown on the attached map. This well will be used as dedicated deep monitoring well completed in the lower aquifer zone well during the aquifer test. The distance from the pumping well is 1,486 feet. The water level will be monitored with a pressure transducer and by hand measurement using a water level meter.
3. United Water Idaho Monitoring Well 1 B: 2-inch PVC monitoring well (part of a nested monitoring well) at the Hope Lutheran Church completed from 400 to 500 feet below ground. Total well depth is 500 feet. Water level is artesian with approximately 14.5 feet of head. Well log is attached. The distance from the pumping well is 4,139 feet. The well location is shown on the attached map. Water level measurements and monitoring will be performed with United Water Idaho using pressure transducer equipment.
4. Quarter Circle D. J. Ranch Well No. 4: 6-inch production well completed with an open interval from 235 to 260 feet below ground. There is no pump present in the well. Total well depth is 260 feet. Water level is artesian with approximately seven feet of head. The well log is not available. The well was video inspect with a down-hole camera. The distance from the pumping well is 4,908 feet. The well location is shown on the attached map. The water level will be monitored with a pressure transducer and by hand measurement using a riser tube and water level meter during the test.
5. Quarter Circle D. J. Ranch Well No. 6: 16- to 10-inch production well with line-shaft turbine pump completed with open interval from 234 to

395 feet below ground. Total well depth is 406 feet. Water level is artesian with approximately 10 feet of head. Well log is attached. The distance from the pumping well is 2,096 feet. The well location is shown on the attached map. The water level will be monitored with a pressure transducer and by hand measurement using a riser tube and water level meter during the test.

6. United Water Idaho Monitoring Well 1 A: 2-inch PVC monitoring well (part of a nested monitoring well) at the Hope Lutheran Church completed from 280 to 380 feet below ground. Total well depth is 380 feet. Water level is artesian with approximately 14.5 feet of head. The distance from the pumping well is 4,139 feet. The well location is shown on the attached map. Water level measurements and monitoring will be performed with United Water Idaho using pressure transducer equipment.
7. Strata Boring No. 1 Monitoring Well: 1-inch PVC monitoring well completed from 45 to 55 feet below ground. Total well depth is 55 feet. Depth to water level is 6.8 feet. Well log is attached. The distance from the pumping well is 1,349 feet. The well location is shown on the attached map. The water level will be monitored with a pressure transducer.
8. Strata Boring No. 1b Monitoring Well: 1-inch PVC monitoring well completed from 10 to 15 feet below ground. Total well depth is 15 feet. Depth to water level is 7.1 feet. Well log is attached. The distance from the pumping well is 1,312 feet. The well location is shown on the attached map. The water level will be monitored with a pressure transducer.

Groundwater levels at each monitoring well will be measured with water level meters and/or pressure transducer equipment during the test. Pressure data measurements will be converted and corrected to water level data. Atmospheric pressure will be measured and recorded on a minimum of two hour intervals during the pre-test, pumping and recovery phases of the aquifer test. All monitoring well used in the tests will be surveyed for location and elevation. Water level measurements will be collected on log-scale intervals to generate appropriate drawdown and recovery curves at each well location. The water level measurement intervals for the aquifer test are listed in the table below.

Time Since
Pumping Start/Stop

Time Intervals Between
Readings (Maximum)

0-5 min.	0.5 min or as soon as possible
5-15 min.	1 min.
30-60 min.	10 min.
60-360 min.	30 min.
360-1020 min.	60 min.
1020-1440 min.	120 min.
1-7 days	2 hour maximum

Analysis and Reporting

Water level data collected from pumping and monitoring wells during the test will be plotted as drawdown and recovery curves. The data will be analyzed using appropriate methods for aquifer conditions (confined, semi-confined, or unconfined) to determine aquifer parameters and characteristics. The data and analysis will be compiled into a report to the City of Eagle. The test data will be used to characterize conditions and behavior of the lower aquifer system in response to pumping stress.

The following details the proposed construction of Test Well No. 1, Test Well No. 2 and construction of a Temporary Well No. 1 to provide drilling water during the well construction project.

Test Well No. 1 Design and Construction Method

The applicant is proposing to construct a new test well (Test Well No. 1) completed in the Lower Treasure Valley Aquifer to be used as the pumping well for the aquifer test. Test Well No. 1 will be located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the, Section 11, T. 4N, R. 1W. The well is designed as a 16- to 12-inch diameter single string welded assembly with 80 feet of screen. Total well depth is approximately 500 feet. Final screen placement and total depth will be based on drilling results and subsurface conditions encountered in the field. The well will be drilled using a reverse circulation drilling method with drilling mud as needed. A 12-inch boring will be drilled to an approximate depth of 500 feet to determine subsurface conditions. A geophysical survey consisting of dual normal electric log, natural gamma log and temperature log will be performed in the 12-inch boring. The 12-inch boring will then be reamed to 24 and 28 inches in diameter. An artificial sand filter pack will be placed adjacent to screen sections. A poured $\frac{3}{4}$ -inch chip bentonite seal will be placed from the top of the artificial sand filter pack to the surface. The well will be constructed, developed and tested to IDWR and IDEQ Public Water System well construction standards.

At the completion of the aquifer test, the well pump and on-site equipment will be removed. The well will be capped and decommissioned. Attached is a design drawing for Test Well No. 1.

Test Well No. 2 Design and Construction Method

The applicant is proposing to construct a Test Well No. 2 completed in the Lower Treasure Valley Aquifer for use as a deep monitoring well during the aquifer test. Test Well No. 2 will be located in the NW¼ of the SE¼ of the, Section 11, T. 4N, R. 1W and will be constructed and completed in the same manner as Test Well No. 1. The well is designed as a 16- to 12-inch diameter single string welded assembly with 80 feet of screen. Total well depth is approximately 500 feet. Final screen placement and total depth will be based on drilling results and subsurface conditions encountered in the field. The well will be drilled using a reverse circulation drilling method with drilling mud as needed. A 12-inch boring will be drilled to an approximate depth of 500 feet to determine subsurface conditions. A geophysical survey consisting of dual normal electric log, natural gamma log and temperature log will be performed in the 12-inch boring. The 12-inch boring will then be reamed to 24 and 28 inches in diameter. An artificial sand filter pack will be placed adjacent to screen sections. A poured ¾-inch chip bentonite seal will be placed from the top of the artificial sand filter pack to the surface. The well will be constructed, developed and tested to IDWR and IDEQ Public Water System well construction standards.

At the completion of the aquifer test, the well pump and on-site equipment will be removed. The well will be capped and decommissioned. Attached is a design drawing for Test Well No. 2.

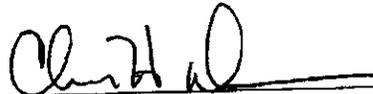
Temporary Well No. 1

Temporary Well No. 1 will be a shallow production well to provide temporary drilling water for construction of Test Well No. 1. The well will be located approximately 100 feet away from Test Well No. 1 in the SE¼ of the NW¼, Section 11, T. 4N, R. 1W. Temporary Well No. 1 is designed as a 6-inch well with an open interval between approximately 35 to 50 feet and a 20 foot deep chip bentonite well seal. The well will be drilled using an air rotary drill and drive method and will meet IDWR well construction standards. The well is designed to only provide temporary drilling water at an estimated rate of 25 gpm or less and as needed to maintain water in the mud pit during the construction of Test Well No. 1. The well will be abandoned immediately following the construction of Test Well No. 1. Attached is a design drawing for Temporary Well No. 1.

The proposed schedule is to start construction of Test Well No. 1, Test Well No. 2 and Temporary Well No. 1 immediately following approval of the drilling permits. Approximately two to three weeks is required for the construction, development and testing of each test well. The aquifer test is scheduled to start approximately one week following the completion of the test wells. The tentative start date for the aquifer test is January 31, 2006. The aquifer test consisting of pre-test monitoring, pumping and recovery phases will be conducted for an approximate three week period. An additional two weeks is required for data analysis and report preparation. IDWR will be notified in advance of the start and completion dates of the aquifer test and test well construction.

If you have questions or concerns, please contact me at 642-3304.

Sincerely,
HOLLADAY ENGINEERING COMPANY

By: 
Chris Duncan, P.G.

cc: City of Eagle, Mayor Merrill
MSBT, Bruce Smith, City Attorney

Attachments:
Aquifer Test Map
Driller's Logs for Monitoring Wells
Test Well No. 1 Design Drawing
Test Well No. 2 Design Drawing
Temporary Well No. 1 Design Drawing
Drilling Permit Test Well No. 2

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

MEMORANDUM OF UNDERSTANDING

Purpose

This Memorandum of Understanding ("MOU") between the City of Eagle, Eagle Sport Legends Development, LLC, and Eaglefield, LLC ("Applicant") and the Idaho Department of Water Resources ("Department") is intended to expedite authorization for hydrologic, geologic and geophysical research and testing. The Applicant desires to conduct exploratory drilling, aquifer testing and characterization and hydrogeologic studies in the western portion of City of Eagle, known as the Western Water System Expansion Area. The purpose of the investigation is to determine the availability of ground water resources in the area related to applications for appropriation of water Nos. 63-32089 and 63-32090. This MOU sets forth the understanding of the parties so as to allow test pumping from exploratory wells for data collection purposes.

Name and address of Applicant:

City of Eagle
Attention: Nancy Merrill, Mayor
PO Box 1520
Eagle, ID 83616

Eaglefield, LLC
c/o T.J. Angstman
Angstman Law, PLLC
2649 Lakeharbor Lane
Boise, ID 83703

Eagle Sport Legends Development, LLC
c/o Eric Boyington
The Blaser Group
3350 Americana Terrace, Suite 200
Boise, ID 83706

Name and location of project:

City of Eagle Public Water System P.W.S. No. 4010201, Western Water System Expansion Area located in Sections 2, 3, 10, and 11, T. 4N, R. 1W., Ada County as generally outlined by Exhibit A (attached).

Agreement

The Department agrees not to initiate an enforcement action under the provisions of Section 42-351, Idaho Code, for pumping of the exploratory and production test wells prior to obtaining a valid water right, provided that pumping from the wells is limited to parameters identified in a "Aquifer Test Plan" that has been reviewed and approved by the Department.

The Applicant agrees:

- 1) To conform to the requirements of Section 42-235, Idaho Code, and to obtain the necessary drilling permit prior to constructing any well.
- 2) To comply with administrative rules for well construction standards and all conditions of an approved drilling permit.
- 3) To curtail pumping of water or provide appropriate mitigation if it is determined that pumping injures existing water rights.
- 4) To hold the Department harmless from any liability due to neglectful discharge of water consistent with the Idaho Tort Claims Act.
- 5) To submit to the Department periodic and final reports of data collected from the drilling and pumping of the wells.
- 6) To have no more than three (3) open or active wells on the project site at any time.

This authorization expires on _____, 2005.

Agreement Execution

Idaho Department of Water Resources

John F. Westra, Mayor
Authorized Agent *Westra Reg.*

12/16/05
Date

Applicant Representative

Nancy Merrill
Nancy Merrill, Mayor

Date

CITY OF EAGLE PROPOSED AQUIFER TEST MAP



LEGEND:

PROPERTY OWNERSHIP

▨ PROPOSED DEVELOPMENT

PROPOSED MONITORING WELLS

- SHALLOW AQUIFER ZONE WELL
- INTERMEDIATE AQUIFER ZONE WELL
- DEEP AQUIFER ZONE WELL
- 1/2 MILE - RADIAL DISTANCE FROM TEST PUMP WELL
- 1 MILE - RADIAL DISTANCE FROM TEST PUMP WELL

- ROADS
- PARCEL LINES
- SECTION LINES
- SECTION CORNERS

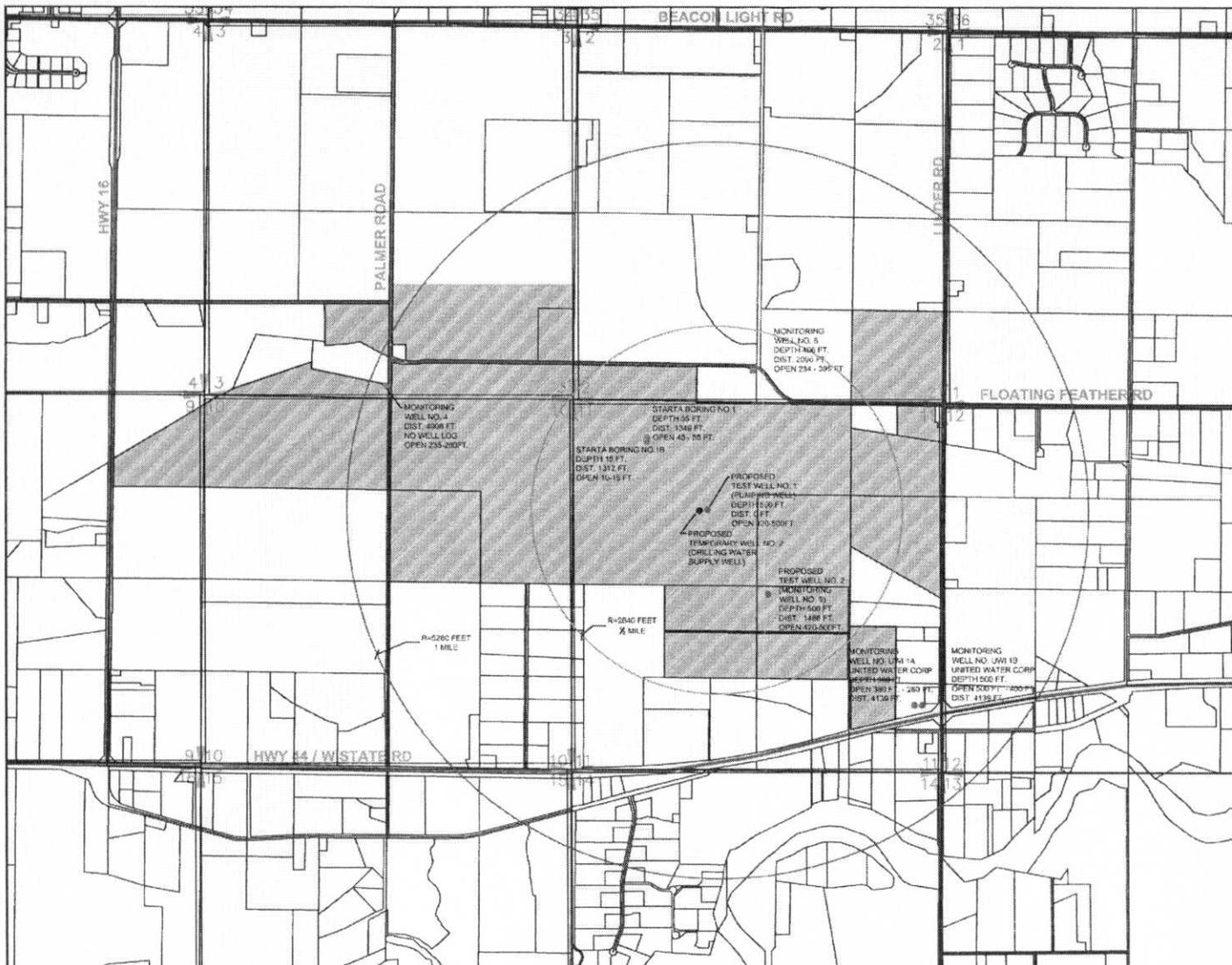


NOTE:

1) BASEMAP IS ADA AND CANYON COUNTY. (2005)

This map represents a compilation of public information from diverse records gathered by the City of Eagle and Holladay Engineering Company. The purpose for which this map is prepared is an overall general representation of positional relationships, and not a definitive description of location of any class of objects or conditions. Hence, no responsibility for errors can be or is assumed. The City of Eagle and Holladay Engineering Company CANNOT AND DO NOT GUARANTEE the absence of errors or the corrections of all information furnished to them for the preparation of this map.

VERSION 3 NOVEMBER 2005
REMOVED MONITORING WELLS AND ADDED NEW



HE
HOLLADAY ENGINEERING CO.
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All Rights Reserved.
E:\PROJECTS\2005\2005_08_15\2005_08_15.dwg
DATE PLOTTED

Printed 12/19/2005
Drilling Permit No. 835987
Well Tag No. D0041980
Well ID # 406472
Water Right No. 63-32090, 63-32089
Receipt # W033412
Approved Date 12/22/2005

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
DRILLING PERMIT**

Relationship: Applicant
Name: CITY OF EAGLE
Address: PO BOX 1520
EAGLE ID 83616

Phone: (208)939-6813

Proposed Well Location: Township 04N, Range 01W, Section 11, SE, NW
COUNTY ADA Sub Name WELL #1

Street Address of Well Site: QUARTER CIRCLE DJ RANCH; W OF LINDER RD
EAGLE ID

Proposed Use of Well: Domestic-Public Water Supply
Municipal
Test

Well Construction Information:

- A. New Well
- B. Proposed Surface Diameter: 16 Inches. Proposed Depth 550 Feet.
- C. Anticipated Bottom Hole Temperature: 85F and less

Construction Start Date: Jan 03 2006

Anticipated Well Drilling Company: RIVERSIDE INC (No. 333)

Applicant's Signature: Orig. Appl. Attached Date 9-9-05

Title: _____

CITY OF EAGLE PROPOSED AQUIFER TEST MAP



LEGEND:

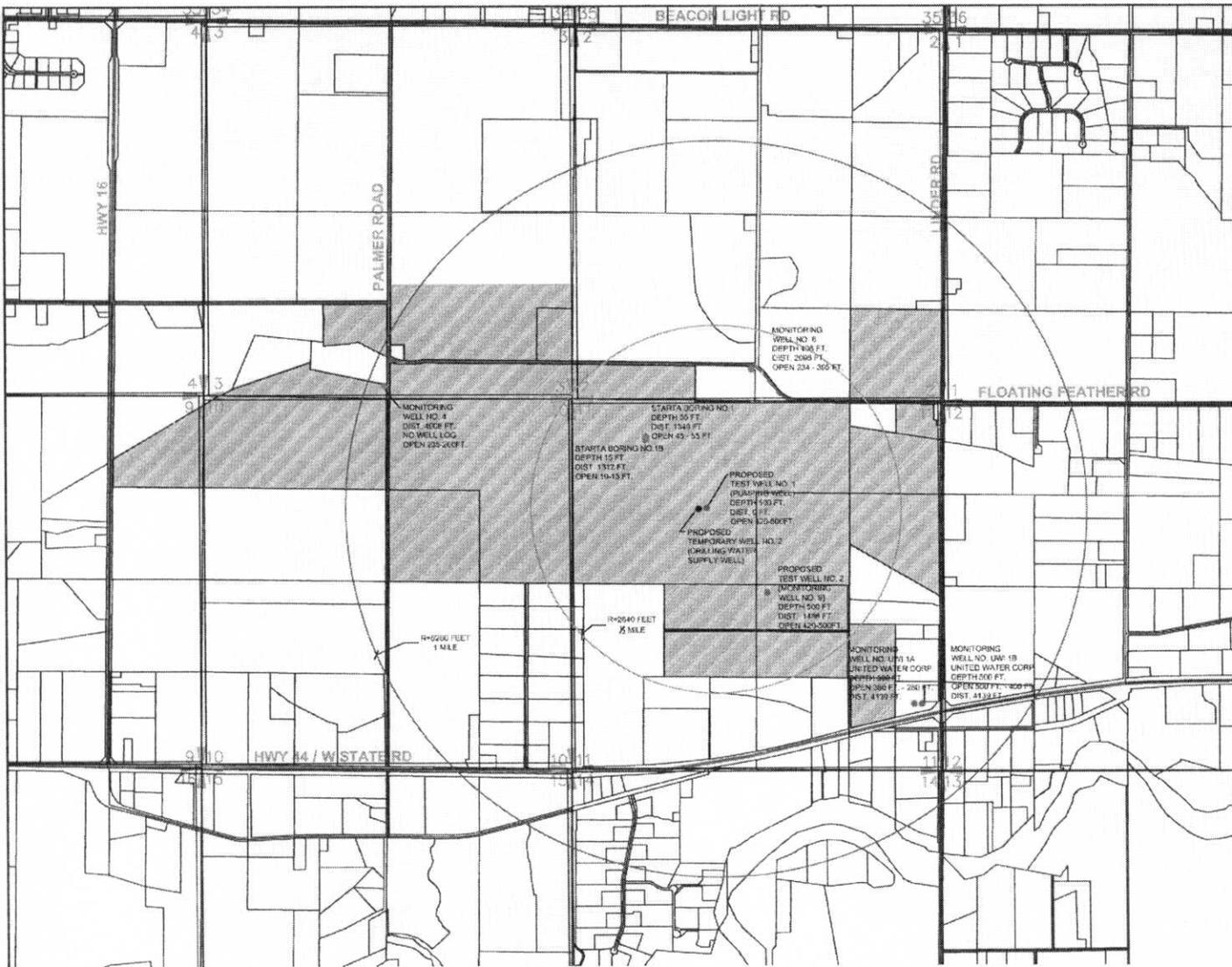
- PROPERTY OWNERSHIP**
- PROPOSED DEVELOPMENT
- PROPOSED MONITORING WELLS**
- SHALLOW AQUIFER ZONE WELL
 - INTERMEDIATE AQUIFER ZONE WELL
 - DEEP AQUIFER ZONE WELL
 - 1/2 MILE - RADIAL DISTANCE FROM TEST PUMP WELL
 - 1 MILE - RADIAL DISTANCE FROM TEST PUMP WELL
- ROADS**
- PARCEL LINES
 - SECTION LINES
 - SECTION CORNERS



NOTE:
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VERSION 3 NOVEMBER 2005
REMOVED MONITORING WELLS AND ADDED NEW



Well Tag No. D0041980

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This permit is Approved on Thursday, December 22, 2005.

1. A geophysical log shall be run in the pilot boring of this well to determine specific locations of permeable units and confining layers.
2. Final design and completion of this well shall be approved by IDWR based on actual geologic conditions encountered in the pilot bore.
3. If an annular slurry seal of bentonite is to be utilized, a high (>30%) solids bentonite shall be pumped from the bottom up to land surface. The bentonite shall not contain chemical polymers which effect long term stability of the seal (and are often found in drilling fluid grade bentonites) but shall be a bentonite which has been specifically recommended by the manufacturer for use as a seal material in water wells.
4. Aquifers with significantly different head, temperature or quality shall not be commingled.
5. The location at which this well is to be constructed must be at a site approved by the Idaho Department of Environmental Quality. The local Health District should also be contacted for septic tank/drain field locations. This well must not be drilled closer than 100 feet from any drain field or 100 feet from any septic tank.
6. All casing to be joined by welding shall have welds that are fully penetrating and at least as thick as the casing being joined. Both ends of casing joints shall be properly beveled and gapped to allow a fully penetrating root pass of E7018 or E6010 electrode. One or more additional passes are required to completely fill any remaining groove at the weld joint. Single-pass weld joints are not acceptable for joining steel casing.
7. This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
8. The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.
9. Approval of this drilling permit does not authorize trespass on the land of another party.
10. This permit does not constitute other local, county, state or federal approvals that may be required for construction of a well.
11. This drilling permit does not represent a right to divert and use the water of the State of Idaho. If the well being drilled is associated with approved water rights(s) use of the well must comply with conditions of said water right(s).
12. If a bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department of Water Resources immediately.
13. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or its contractors to contact "Dig-line" (Dig-Line is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Dig-Line " Number for this location is 1-800-342-1585
14. The well tag for the drilling permit/start card shall be securely and permanently attached to the well casing through welding or by the use of four closed end domed stainless steel pop rivets. The tag attachment will be done at the time of completion of the well, and prior to removing the drill rig from the drill site.
15. No water shall be produced from this well or any fluid injected into this well without specific written authorization from the Department.

16. Pump testing of this well is limited to a quantity and duration specifically authorized by the Department and is included as an attachment to this drilling permit. Prior to diverting any water from this well the well owner shall execute and sign a Memorandum of Understanding (MOU) with the department.

17. Diversion and use of water from this well for purposes other than an approved pump test is not authorized unless the well owner has obtained a valid water right listing the well as a point of diversion.

18. Approval of this drilling permit does not suggest any intent by the Department to approve or process a water right application that would authorize use from this well.

19. This drilling permit is not valid and well construction shall not commence until a bond is secured by the well owner in favor of the director in a sufficient amount for proper abandonment of this well. The bond for this well shall be \$15,000.

20. This drilling permit is approved for the construction of a "Production Test" well intended to be used for determining sufficiency of water supply and evaluating the effect of pumping on a regional or local aquifer system.

21. This permit does not constitute an approval of the local Health District or the Idaho Department of Environmental Quality which may be required prior to construction of this well.

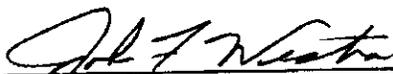
22. The uppermost unconfined aquifer shall be cased and sealed to exclude water from this zone from entering the well. All seals will be placed from the bottom up. Placement of any seal should be based upon actual geologic conditions encountered during drilling.

23. The project engineer or geologist will be on site during seal placement should any peculiarities arise which require further evaluation. Any alteration of the proposed well construction procedure shall be approved by the Department before it is undertaken.

24. The well owner hereby assumes all risks associated with constructing this well prior to obtaining a water right authorizing use from the well. This risk may include a directive by the Department to plug and abandon the well.

25. The screened, perforated, filter packed or otherwise open and commingled strata shall not exceed 25% of the total well depth as measured from the bottom of the open interval to the top of the open interval(s). If, however, through geophysical logging of the well (or other means), it can be demonstrated the aquifers to be produced from are under similar hydraulic head, temperature and quality and are not subject to waste or contamination, a greater open interval (screened or filter packed section) may be approved by the Department.

26. If an annular space of at least 4 inches greater than the outside diameter of the casing is provided, bentonite chips may be poured at the manufacturers recommended rate or no greater than 50 pounds in five minutes. The pour shall be presifted through 1/4 inch mesh screen to reduce the introduction of fines. The top of the seal shall be tagged at regular intervals, i.e. (30 ft. intervals) during placement with a sinker bar or other appropriate device to ensure the seal is reaching the intended depth. If bridging occurs, the Department shall be contacted immediately for evaluation.



Signature of Authorized Dept Representative



Title

RECEIVED

SEP 13 2005

WATER RESOURCES
WESTERN REGION

Drilling Permit No. 890994-835987
Drilling Permit I.D. Tag No. D0041980
Water Right Permit No. 63-32089, 63-32090
Injection Permit No. _____

State of Idaho
Department of Water Resources

TEST WELL NO. 1

APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

1. Owner (please print): City of Eagle

2. Mailing Address: PO Box 1520

City: Eagle State: ID Zip Code: 83616 Telephone (208) 939-6813

3. Proposed Well Location: Twp. 4N, Rge. 1W, Sec. 11, 1/4 SE 1/4 NW 1/4;

Gov't Lot No. _____ County Ada Lat. _____ Long. _____

Street Address of Well Site Quarter Circle DJ Ranch, West of Linder Rd City Eagle
Give at least name of road + Distance to Road or Landmark

Lot, block and subdivision _____

4. Proposed Use of Well:

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

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

NON-DOMESTIC: Irrigation Municipal Industrial
 Livestock Test Other _____
Type _____ Number Hd. _____ (Describe)

INJECTION

MONITORING: A well bore schematic and map is required for each blanket permit. No. of proposed wells: _____

5. Well Construction Information:

A. New well Modify Replace

B. Proposed Casing Diameter 16 inch Proposed Maximum Depth 550 feet

C. Anticipated bottom hole temperature:
 85 F or less (Cold Water Well) 85 F to 212 F (Low Temp. Geo. Well) 212 F. or more (Geothermal Well)

6. Construction Start Date: September 26, 2005

7. Anticipated Well Driller: Riverside Inc. Driller's Lic. No. 333
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's Signature: [Signature] Date 9-9-05

Address (if different than owner): _____

City: Eagle City State: ID Zip Code: _____ Telephone _____

Title: [Signature]
(Owner, Firm Representative, Other)

Prepared by Holladay Engineering Co., City Engineer

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is _____ Date _____

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

GENERAL CONDITIONS:

1. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one(1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare, which may be required before construction of the well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank.
3. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals, which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85 or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "DigLine" Number for your area is 1-800-342-1585.
9. Please be advised that this drilling permit should be considered and treated as a preliminary permit. If you are in disagreement with this preliminary permit you have fourteen (14) days of the service date of this permit to petition the Department for reconsideration pursuant to Section 67-5243, Idaho Code.
10. The well tag for the drilling permit/start card shall be securely and permanently attached to the well casing through welding or by the use of four closed end domed stainless steel pop rivets. The tag attachment will be done at the time of completion of the well, and prior to removing the drill rig from the drill site.

SPECIFIC CONDITIONS:

Signature of Authorized Department Representative

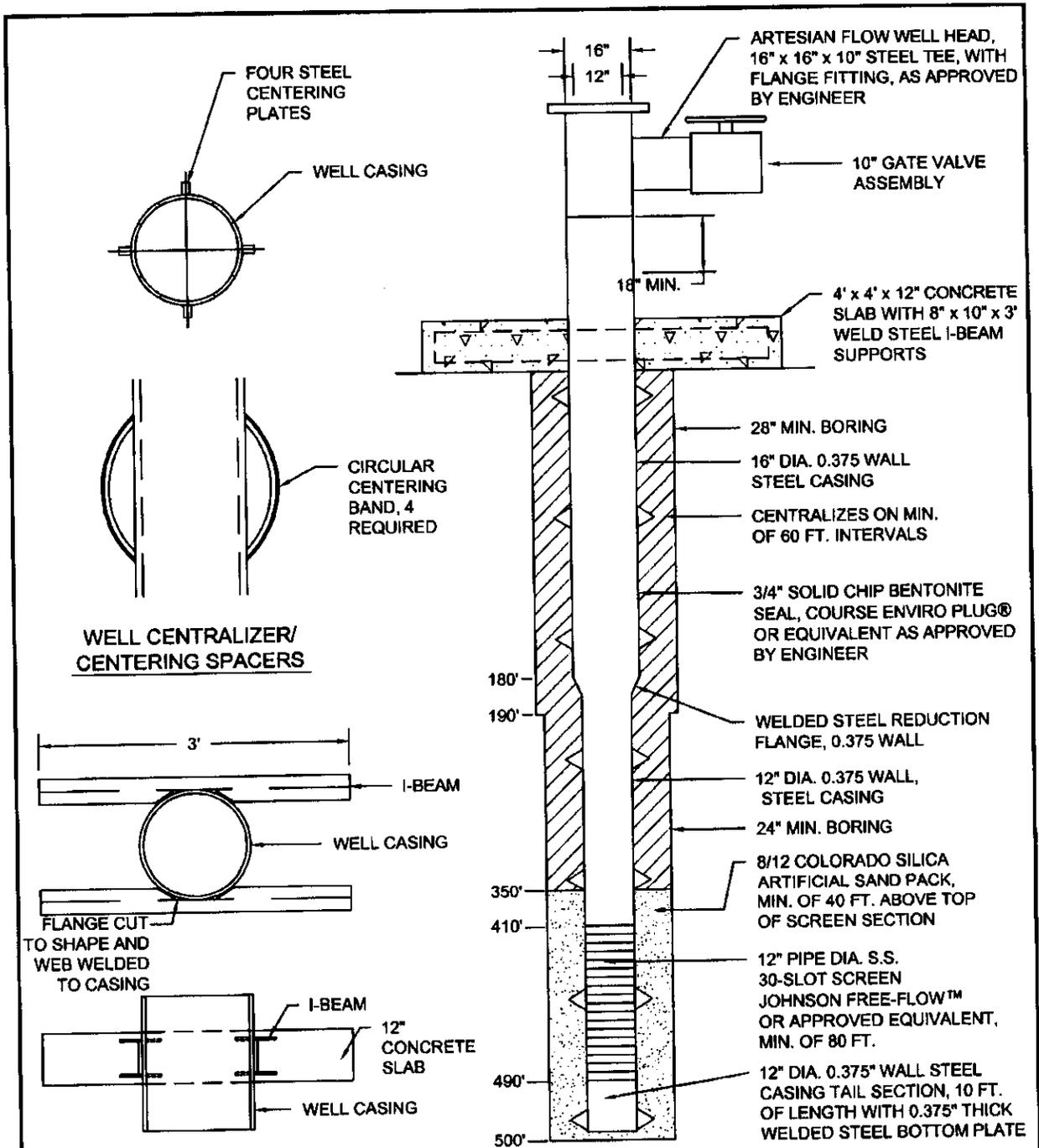
Title

Receipt No. W033412 Received by AK Fee 200⁰⁰ Date 9-13-05

EXTENSION OF DRILLING PERMIT

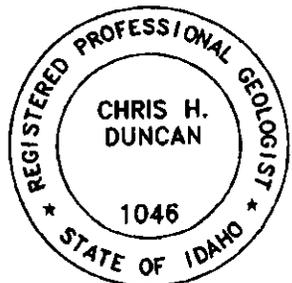
Extension approved by _____ Approval Date _____

This extension expires: _____



NOTES:

- 1) ALL DEPTHS ARE APPROXIMATED FROM GROUND SURFACE, SCREEN AND SAND PACK MAY VARY PENDING DRILL RESULTS.
- 2) EST. SCREEN FLOW CAPACITY IS 4.46 CFS (2,009 GPM).
- 3) STATIC WATER LEVEL IS EXPECTED TO BE ARTESIAN WITH 10-20 PSI OF PRESSURE.
- 4) WELL CONSTRUCTION MUST MEET IDEQ PUBLIC DRINKING WATER CONSTRUCTION STANDARDS.



NOT TO SCALE

HOLLADAY ENGINEERING CO.
 ENGINEERS • CONSULTANTS
 32 N. MAIN P.O. BOX 230 PAYETTE, ID 83691
 (208) 842-3304 FAX (208) 842-2158
 EMAIL: ke@holladayengineering.com

REUSE OF DOCUMENTS
 THIS DOCUMENT AND THE SEAL AND SIGNATURE THEREON ARE THE PROPERTY OF HOLLADAY ENGINEERING CO. AND ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY OTHER USE WITHOUT THE WRITTEN PERMISSION OF HOLLADAY ENGINEERING CO. IS PROHIBITED.

TEST WELL NO. 1
CITY OF EAGLE, IDAHO

REV	EG 061204
DATE	11/03/05
BY	11/15/05
CHKD	11/15/05
APP'D	JLJ
DATE	CHD

Idaho Department of Water Resources Receipt

Receipt ID W033412

Payment Amount	\$200.00	Date Received	9/13/2005 11:35:17 AM	Region	Western	Status	
Payment Type	Check	Check Number	26643				

Payer HOLLADAY ENGINEERING CO

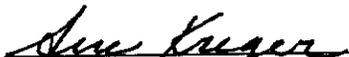
Comment APP. FOR DRILLING PERMIT FOR CITY OF EAGLE TEST WELL #1

D0041980

Riverside 333

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$200.00	DRILLING PERMITS	0229	21	62134	1205



Signature Line (Dept. Representative)



HOLLADAY ENGINEERING CO.

ENGINEERS • CONSULTANTS

32 N. Main P.O. Box 235 Payette, ID 83661
(208) 642-3304 • Fax # (208) 642-2159

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NOV 30 2005

WATER RESOURCES
WESTERN REGION

October 28, 2005

Mr. Rob Whitney
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Subject: Proposed Modifications to Aquifer Test Proposal for City of Eagle,
Applications for Water Appropriation 63-32089 and 63-32090
HECO NO. EG061204 and EG 013305

Dear Mr. Whitney,

We completed our field investigation of potential monitoring wells at the Quarter Circle D. J. Ranch and have reviewed comments submitted by protestants concerning the City of Eagle aquifer test proposal. In response to comments and additional field information gathered, we are submitting a number of modifications to the original aquifer test proposal and a finalized test plan for Idaho Department of Water Resources (IDWR) approval. The proposed changes reflect the IDWR aquifer test recommendations as discussed at our November 8, 2005 meeting. The following lists the proposed changes to the aquifer test.

- Monitoring wells proposed for the test – a total of eight monitoring wells consisting of three existing wells on the Quarter Circle D. J. Ranch, construction of two new wells and cooperative use of two United Water Idaho monitoring wells.
- Pumping rate for the test has been changed to 1,500 gpm.
- A borehole geophysical survey will be conducted during construction of new wells.
- The maximum water level measurement frequency has been modified to two hour intervals during the later stages of the test.
- IDWR will be notified in advance of the time and date that the aquifer test will start and end,

The City plans to conduct the aquifer test as soon as possible. The aquifer test is tentative scheduled to start on January 31, 2006. This start date is dependent on the completion of two new wells and regulatory approvals.

In order to perform the aquifer test, the City is requesting IDWR approval to divert groundwater at a 1,500 gpm (3.34 cfs) diversion rate and a maximum volume of 46.52 ac-ft from the aquifer test pumping well (Test Well No. 1) located in the SW ¼ of the NE ¼, Section 11, T.4N, R.1W. The requested diversion of groundwater is for testing purposes.

The following details the finalized aquifer test proposal and construction of test wells.

Purpose

The primary objectives of the aquifer test are to gather site specific hydrogeologic information in the Lower Treasure Valley Aquifer system from approximately 400 to 500 feet below ground surface as represented on the proposed applications for water appropriation (63-32089 and 63-32090). The aquifer test will consist of pumping and recovery phases to determine aquifer transmissivity and storativity values for wells completed in the lower aquifer zone. The test will provide a field demonstration of pumping effects on groundwater levels at various monitoring well locations at distances up to approximately one mile from the aquifer test pumping well. The information gathered from the test will be used to characterize conditions and behavior of the aquifer system in response to pumping stress. Holladay Engineering Company will conduct the aquifer test and provide engineering services for the aquifer test project.

General Test Parameters

A seven day constant rate pump and recovery aquifer test is proposed at a pumping rate of 1500 gpm. Test Well No. 1 will be used as the pumping well for the test. A total of eight wells were selected for groundwater level monitoring during the test (including the pumping well). Water level measurements will be made on log scale time intervals using down-hole pressure transducer equipment. Back up measurements will be performed with handheld water meters. The proposed aquifer test is similar in size and duration to the United Water of Idaho Floating Feather Well test performed in 1995. The test has been designed to meet DEQ Public Water System requirements for test pumping a groundwater source supply under IDAPA 58.01.08.550.03.i.

Pumping Phase of Test

Test Well No. 1 will be pumped at a constant rate of 1,500 gpm for approximately seven days. The aquifer test pumping duration is a maximum of seven-days or until 72-hours of water level stabilization has occurred in the pumping well. The maximum water volume to be produced is 46.52 ac-ft for a seven day pumping period. A temporary line-shaft turbine pump will be installed and powered by an on-site generator. The pumping rate will be controlled by a discharge valve and monitored using a flow rate and totalizing meters. Groundwater will be discharged to the existing canal and irrigation system on the Quarter Circle D. J. Ranch. Water levels will be monitored in all wells during the pumping phase of the test. The water level draw-down data will used to determine transmissivity and storativity values.

Recovery Phase of Test

The recovery phase of the test will start at the completion of pumping. Water levels will be monitored in all wells for a period equal to or exceeding the pumping test duration and until full recovery occurs in the pumping well. The water level recovery data will also be used to determine transmissivity and storativity values.

Pre-Test Monitoring

All aquifer test wells will be monitored for water level fluctuations one week prior the start of the pumping phase of the test. The data will be used to evaluate antecedent water level trends and will provide a basis for correction of water level data collected during the test, if needed.

Water Level Monitoring

The criteria used in selecting a well as a water level monitoring well for the aquifer test is listed below.

1. Access to well (property and measuring port)
2. Control of well pumping activity during the aquifer test
3. Well construction and well completion (diameter., depth and screens)
4. Distance from aquifer test pumping well
5. Verification of well completion

A detailed field inspection of existing Quarter Circle D. J. Ranch wells was completed in November 2005 to determine and confirm open intervals and well completion. Three of the ten existing wells meet the monitoring well criteria listed above. The monitoring wells to be used during the aquifer test are listed below.

1. Test Well No. 1: 12- to 16-inch diameter production well to be constructed and completed in the lower aquifer zone from approximately 410 to 500 feet below surface (pending drilling results) in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 11, T.4N, R.1W. The well location is shown on the attached map. This well will be used as the pumping well during the test. A temporary line-shaft turbine pump will be installed capable of meeting a sustained 1,500 gpm pumping rate. The wellhead will be equipped with a flow meter, totalizer meters and valve to monitor and maintain a constant discharge. The water level will be monitored with a pressure transducer and by hand measurement using a water level meter.
2. Test Well No. 2: 12- to 16-inch diameter production well to be constructed and completed in the lower aquifer zone from approximately 410 to 500 feet below surface (pending drilling results) in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 11, T.4N, R.1W. The well location is shown on the attached map. This well will be used as dedicated deep monitoring well completed in the lower aquifer zone well during the aquifer test. The distance from the pumping well is 1,486 feet. The water level will be monitored with a pressure transducer and by hand measurement using a water level meter.
3. United Water Idaho Monitoring Well 1 B: 2-inch PVC monitoring well (part of a nested monitoring well) at the Hope Lutheran Church completed from 400 to 500 feet below ground. Total well depth is 500 feet. Water level is artesian with approximately 14.5 feet of head. Well log is attached. The distance from the pumping well is 4,139 feet. The well location is shown on the attached map. Water level measurements and monitoring will be performed with United Water Idaho using pressure transducer equipment.
4. Quarter Circle D. J. Ranch Well No. 4: 6-inch production well completed with an open interval from 235 to 260 feet below ground. There is no pump present in the well. Total well depth is 260 feet. Water level is artesian with approximately seven feet of head. The well log is not available. The well was video inspect with a down-hole camera. The distance from the pumping well is 4,908 feet. The well location is shown on the attached map. The water level will be monitored with a pressure transducer and by hand measurement using a riser tube and water level meter during the test.
5. Quarter Circle D. J. Ranch Well No. 6: 16- to 10-inch production well with line-shaft turbine pump completed with open interval from 234 to

395 feet below ground. Total well depth is 406 feet. Water level is artesian with approximately 10 feet of head. Well log is attached. The distance from the pumping well is 2,096 feet. The well location is shown on the attached map. The water level will be monitored with a pressure transducer and by hand measurement using a riser tube and water level meter during the test.

6. United Water Idaho Monitoring Well 1 A: 2-inch PVC monitoring well (part of a nested monitoring well) at the Hope Lutheran Church completed from 280 to 380 feet below ground. Total well depth is 380 feet. Water level is artesian with approximately 14.5 feet of head. The distance from the pumping well is 4,139 feet. The well location is shown on the attached map. Water level measurements and monitoring will be performed with United Water Idaho using pressure transducer equipment.
7. Strata Boring No. 1 Monitoring Well: 1-inch PVC monitoring well completed from 45 to 55 feet below ground. Total well depth is 55 feet. Depth to water level is 6.8 feet. Well log is attached. The distance from the pumping well is 1,349 feet. The well location is shown on the attached map. The water level will be monitored with a pressure transducer.
8. Strata Boring No. 1b Monitoring Well: 1-inch PVC monitoring well completed from 10 to 15 feet below ground. Total well depth is 15 feet. Depth to water level is 7.1 feet. Well log is attached. The distance from the pumping well is 1,312 feet. The well location is shown on the attached map. The water level will be monitored with a pressure transducer.

Groundwater levels at each monitoring well will be measured with water level meters and/or pressure transducer equipment during the test. Pressure data measurements will be converted and corrected to water level data. Atmospheric pressure will be measured and recorded on a minimum of two hour intervals during the pre-test, pumping and recovery phases of the aquifer test. All monitoring well used in the tests will be surveyed for location and elevation. Water level measurements will be collected on log-scale intervals to generate appropriate drawdown and recovery curves at each well location. The water level measurement intervals for the aquifer test are listed in the table below.

<u>Time Since Pumping Start/Stop</u>	<u>Time Intervals Between Readings (Maximum)</u>
--	--

0-5 min.	0.5 min or as soon as possible
5-15 min.	1 min.
30-60 min.	10 min.
60-360 min.	30 min.
360-1020 min.	60 min.
1020-1440 min.	120 min.
1-7 days	2 hour maximum

Analysis and Reporting

Water level data collected from pumping and monitoring wells during the test will be plotted as drawdown and recovery curves. The data will be analyzed using appropriate methods for aquifer conditions (confined, semi-confined, or unconfined) to determine aquifer parameters and characteristics. The data and analysis will be compiled into a report to the City of Eagle. The test data will be used to characterize conditions and behavior of the lower aquifer system in response to pumping stress.

The following details the proposed construction of Test Well No. 1, Test Well No. 2 and construction of a Temporary Well No. 1 to provide drilling water during the well construction project.

Test Well No. 1 Design and Construction Method

The applicant is proposing to construct a new test well (Test Well No. 1) completed in the Lower Treasure Valley Aquifer to be used as the pumping well for the aquifer test. Test Well No. 1 will be located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the, Section 11, T. 4N, R. 1W. The well is designed as a 16- to 12-inch diameter single string welded assembly with 80 feet of screen. Total well depth is approximately 500 feet. Final screen placement and total depth will be based on drilling results and subsurface conditions encountered in the field. The well will be drilled using a reverse circulation drilling method with drilling mud as needed. A 12-inch boring will be drilled to an approximate depth of 500 feet to determine subsurface conditions. A geophysical survey consisting of dual normal electric log, natural gamma log and temperature log will be performed in the 12-inch boring. The 12-inch boring will then be reamed to 24 and 28 inches in diameter. An artificial sand filter pack will be placed adjacent to screen sections. A poured $\frac{3}{4}$ -inch chip bentonite seal will be placed from the top of the artificial sand filter pack to the surface. The well will be constructed, developed and tested to IDWR and IDEQ Public Water System well construction standards.

At the completion of the aquifer test, the well pump and on-site equipment will be removed. The well will be capped and decommissioned. Attached is a design drawing for Test Well No. 1.

Test Well No. 2 Design and Construction Method

The applicant is proposing to construct a Test Well No. 2 completed in the Lower Treasure Valley Aquifer for use as a deep monitoring well during the aquifer test. Test Well No. 2 will be located in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the, Section 11, T. 4N, R. 1W and will be constructed and completed in the same manner as Test Well No. 1. The well is designed as a 16- to 12-inch diameter single string welded assembly with 80 feet of screen. Total well depth is approximately 500 feet. Final screen placement and total depth will be based on drilling results and subsurface conditions encountered in the field. The well will be drilled using a reverse circulation drilling method with drilling mud as needed. A 12-inch boring will be drilled to an approximate depth of 500 feet to determine subsurface conditions. A geophysical survey consisting of dual normal electric log, natural gamma log and temperature log will be performed in the 12-inch boring. The 12-inch boring will then be reamed to 24 and 28 inches in diameter. An artificial sand filter pack will be placed adjacent to screen sections. A poured $\frac{3}{4}$ -inch chip bentonite seal will be placed from the top of the artificial sand filter pack to the surface. The well will be constructed, developed and tested to IDWR and IDEQ Public Water System well construction standards.

At the completion of the aquifer test, the well pump and on-site equipment will be removed. The well will be capped and decommissioned. Attached is a design drawing for Test Well No. 2.

Temporary Well No. 1

Temporary Well No. 1 will be a shallow production well to provide temporary drilling water for construction of Test Well No. 1. The well will be located approximately 100 feet away from Test Well No. 1 in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 11, T. 4N, R. 1W. Temporary Well No. 1 is designed as a 6-inch well with an open interval between approximately 35 to 50 feet and a 20 foot deep chip bentonite well seal. The well will be drilled using an air rotary drill and drive method and will meet IDWR well construction standards. The well is designed to only provide temporary drilling water at an estimated rate of 25 gpm or less and as needed to maintain water in the mud pit during the construction of Test Well No. 1. The well will be abandoned immediately following the construction of Test Well No. 1. Attached is a design drawing for Temporary Well No. 1.

Mr. Rob Whitney
November 28, 2005
Page 8

The proposed schedule is to start construction of Test Well No. 1, Test Well No. 2 and Temporary Well No. 1 immediately following approval of the drilling permits. Approximately two to three weeks is required for the construction, development and testing of each test well. The aquifer test is scheduled to start approximately one week following the completion of the test wells. The tentative start date for the aquifer test is January 31, 2006. The aquifer test consisting of pre-test monitoring, pumping and recovery phases will be conducted for an approximate three week period. An additional two weeks is required for data analysis and report preparation. IDWR will be notified in advance of the start and completion dates of the aquifer test and test well construction.

If you have questions or concerns, please contact me at 642-3304.

Sincerely,
HOLLADAY ENGINEERING COMPANY

By: 
Chris Duncan, P.G.

cc: City of Eagle, Mayor Merrill
MSBT, Bruce Smith, City Attorney

Attachments:
Aquifer Test Map
Driller's Logs for Monitoring Wells
Test Well No. 1 Design Drawing
Test Well No. 2 Design Drawing
Temporary Well No. 1 Design Drawing
Drilling Permit Test Well No. 2

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

MEMORANDUM OF UNDERSTANDING

Purpose

This Memorandum of Understanding (“MOU”) between the City of Eagle, Eagle Sport Legends Development, LLC, and Eaglefield, LLC (“Applicant”) and the Idaho Department of Water Resources (“Department”) is intended to expedite authorization for hydrologic, geologic and geophysical research and testing. The Applicant desires to conduct exploratory drilling, aquifer testing and characterization and hydrogeologic studies in the western portion of City of Eagle, known as the Western Water System Expansion Area. The purpose of the investigation is to determine the availability of ground water resources in the area related to applications for appropriation of water Nos. 63-32089 and 63-32090. This MOU sets forth the understanding of the parties so as to allow test pumping from exploratory wells for data collection purposes.

Name and address of Applicant:

City of Eagle
Attention: Nancy Merrill, Mayor
PO Box 1520
Eagle, ID 83616

Eaglefield, LLC
c/o T.J. Angstman
Angstman Law, PLLC
2649 Lakeharbor Lane
Boise, ID 83703

Eagle Sport Legends Development, LLC
c/o Eric Boyington
The Blaser Group
3350 Americana Terrace, Suite 200
Boise, ID 83706

Name and location of project:

City of Eagle Public Water System P.W.S. No. 4010201, Western Water System Expansion Area located in Sections 2, 3, 10, and 11, T. 4N, R. 1W., Ada County as generally outlined by Exhibit A (attached).

Agreement

The Department agrees not to initiate an enforcement action under the provisions of Section 42-351, Idaho Code, for pumping of the exploratory and production test wells prior to obtaining a valid water right, provided that pumping from the wells is limited to parameters identified in a “Aquifer Test Plan” that has been reviewed and approved by the Department.

The Applicant agrees:

- 1) To conform to the requirements of Section 42-235, Idaho Code, and to obtain the necessary drilling permit prior to constructing any well.
- 2) To comply with administrative rules for well construction standards and all conditions of an approved drilling permit.
- 3) To curtail pumping of water or provide appropriate mitigation if it is determined that pumping injures existing water rights.
- 4) To hold the Department harmless from any liability due to neglectful discharge of water consistent with the Idaho Tort Claims Act.
- 5) To submit to the Department periodic and final reports of data collected from the drilling and pumping of the wells.
- 6) To have no more than three (3) open or active wells on the project site at any time.

This authorization expires on _____, 2005.

Agreement Execution

Idaho Department of Water Resources

John F. Weathers, Mayor
Authorized Agent *Weathers Reg.*

12/16/05
Date

Applicant Representative

Nancy Merrill
Nancy Merrill, Mayor

Date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
2 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

Enclosure:
12-5-05 Letter
"to the parties"

Trea 027

Treasure Valley Turf
TIM CHENEY
PO BOX 190027
BOISE ID 83719

RESORTED
FIRST CLASS

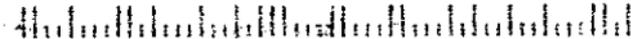


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DEPARTMENT OF
WATER RESOURCES

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RETURN TO SENDER
: TREASURE VALLEY TURF LLC
TEMPORARILY AWAY
RETURN TO SENDER

83719





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 5, 2005

Re: Hearing for the City of Eagle's applications for permit to appropriate water nos. 63-32089 and 63-32090.

Dear Parties:

This letter confirms that the hearing for protests filed against the City of Eagle's applications for permit to appropriate water, nos. 63-32089 and 63-32090, will be conducted beginning April 10 through April 14, 2006. The department will issue a Notice of Hearing and Scheduling Order in the next few days. Please schedule your calendars for the hearing to avoid conflicts.

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gary Spackman

Encl. Service List of Parties
Cc: Western Region

SERVICE LIST

DANA & VIKI PURDY
5926 FLOATING FEATHER
EAGLE ID 83616

JOSEPH & LYNN MOYLE
C/O MICHAEL MOYLE
480 N PLUMMER RD
STAR ID 83669

MICHAEL MCCOLLUM
1290 BUTTERFIELD
SAN ANSELMO CA 94960

MICHAEL HEATH
NANCY HEATH
401 N PALMER LN
EAGLE ID 83616

TIM CHENEY
PO BOX 190027
BOISE ID 83719

JERRY & MARY TAYLOR
3410 HARTLEY
EAGLE ID 83616

CORRIN & TERRY HUTTON
10820 NEW HOPE RD
STAR ID 83669

BOB & ELSIE HANSON
4151 HARTLEY RD
EAGLE ID 83616

UNITED WATER ID INC
C/O SCOTT RHEAD
PO BOX 190420
BOISE ID 83719-0420

SAM & KARI ROSTI
1460 N POLLARD LN
STAR ID 83669

EUGENE MULLER
320 N PALMER LN
EAGLE ID 83616

CHARLES MEISSNER JR
3101 N PALMER
EAGLE ID 83616

CHARLES HOWARTH
C/O GUNNER & MATT HOWARTH
833 N PALMER
EAGLE ID 83616

BILL FLACK
4035 HARTLEY RD
EAGLE ID 83616

RONALD SCHREINER
2153 N POLLARD LN
STAR ID 83669

CITY OF STAR
C/O ROD LINJA
131 SW 5TH AVE STE A
MERIDIAN ID 83642

TONY & BRENDA O'NEIL
1910 N MTN VISTA LN
STAR ID 83669

MIKE DIXON
RT 1 2650 WING RD
STAR ID 83669

SCOTT & NANCY REESER
499 N LINDER RD
EAGLE ID 83616

LEEROY & BILLIE MELLIES
6860 W STATE ST
EAGLE ID 83616

RALPH & BARBARA WILDER
7320 W STATE ST
EAGLE ID 83616

DEAN & JAN COMBE
6440 W BEACON LIGHT
EAGLE ID 83616

NORMA MARES
23966 BLESSINGER RD
STAR ID 83669-5016

BRUCE M SMITH
MOORE SMITH BUXTON TURKE
225 N 9TH STE 420
BOISE ID 83702

JULIE K FISCHER
5700 E FRANKLIN RD
STE 200
NAMPA ID 83687

JERRY A KISER
STOPPELLO & KISER
620 W HAYS
BOISE ID 83702

AL SHOUSHARIAN
1119 N EAGLE RD
EAGLE, ID 83616

WESTERN REGION
ATTN JOHN WESTRA
2735 AIRPORT WAY
BOISE ID 83705-5082



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 8, 2005

Re: City of Eagle's applications for permits nos. 63-32089 and 63-32090

Dear Parties:

The City of Eagle has stated that it cannot be prepared for a hearing during the months of February and March 2006. The City requested that a hearing be scheduled for April 10 through 14, 2006. If you do not have a conflict, please schedule your calendars for those days. If you have a conflict on these days, please notify the department of your conflict on or before November 23, 2005, and serve all the parties with a copy of your notice. Upon the department's receipt of any notices of conflict, showing proof of notification to all the other parties in this matter, all parties must then submit their unavailable dates for May and June 2006 to the department.

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman". The signature is written in a cursive, flowing style.

Gary Spackman

Cc: Western Region

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of November, 2005, a true and correct copy of the foregoing documents described below were served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Letter dated November 9, 2005, notifying parties of hearing dates in 2006.

DANA & VIKI PURDY
5926 FLOATING FEATHER
EAGLE ID 83616

JOSEPH & LYNN MOYLE
C/O MICHAEL MOYLE
480 N PLUMMER RD
STAR ID 83669

MICHAEL MCCOLLUM
1290 BUTTERFIELD
SAN ANSELMO CA 94960

MICHAEL HEATH
NANCY HEATH
401 N PALMER LN
EAGLE ID 83616

TIM CHENEY
PO BOX 190027
BOISE ID 83719

JERRY & MARY TAYLOR
3410 HARTLEY
EAGLE ID 83616

CORRIN & TERRY HUTTON
10820 NEW HOPE RD
STAR ID 83669

BOB & ELSIE HANSON
4151 HARTLEY RD
EAGLE ID 83616

UNITED WATER ID INC
C/O SCOTT RHEAD
PO BOX 190420
BOISE ID 83719-0420

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4035 HARTLEY RD
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EAGLE ID 83616

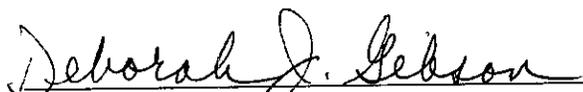
NORMA MARES /
23966 BLESSINGER RD
STAR ID 83669-5016

BRUCE M SMITH
MOORE SMITH BUXTON TURKE
225 N 9TH STE 420
BOISE ID 83702

JULIE K FISCHER
WHITE PETERSON
5700 FRANKLIN RD
NAMPA ID 83687

JERRY A KISER
STOPPELLO & KISER
620 W HAYS
BOISE ID 83702

WESTERN REGION
ATTN JOHN WESTRA
2735 AIRPORT WAY
BOISE ID 83705-5082


Deborah J. Gibson
Administrative Assistant

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NOV 02 2005

DEPARTMENT OF
WATER RESOURCES

John M. Marshall (ISB No. 5628)
GIVENS PURSLEY LLP
601 W. Bannock Street
Boise, Idaho 83702
Telephone: (208) 388-1200
Facsimile: (208) 388-1300
johnmarshall@givenspursley.com

Attorneys for Protestant
United Water Idaho, Inc.

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

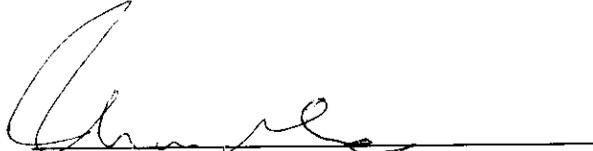
IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND)
63-32090 IN THE NAME OF THE CITY)
OF EAGLE)
_____)

NOTICE OF APPEARANCE

John M. Marshall of the firm Givens Pursley LLP, hereby makes his appearance as counsel of record for Protestant United Water Idaho, Inc., in the above-entitled matter and asks that copies of all future pleadings and correspondence be sent to him at the above-listed address, facsimile number and/or e-mail address.

DATE this 21 day of November, 2005.

GIVENS PURSLEY LLP


John M. Marshall

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of November, 2005, I caused a true and correct copy of the foregoing document to be served by U.S. Mail, postage prepaid, to the following:

City of Eagle
PO Box 1520
Eagle, ID 83616

Tim Cheney
PO Box 190027
Boise, ID 83719

Corrin Hutton
Terry Hutton
10820 New Hope Road
Star ID 83669

City of Star
c/o Rod Linja
131 SW 5th Ave., Ste. A
Meridian, ID 83642

Jim Keller
Justin Walker
Star Sewer & Water
131 SW 5th Ave., Ste. A
Meridian, ID 83642

Gary Spackman
Idaho Dept. of Water Resources
PO Box 83720
Boise, ID 83720-0098

Bruce Smith
Moore Smith Buxton
225 N. 9th, Ste. 420
Boise, ID 83702

Bill Flack
4035 Hartley Rd.
Eagle, ID 83616

Tony & Brenda O'Neil
1910 N. Mountain Vista Lane
Star ID 83669

Scott & Nancy Reeser
499 N. Linder Road
Eagle ID 83616

Chris Duncan
Holladay Engineering Co.
PO Box 235
Payette, ID 83661

LeeRoy and Billie Mellies
6860 W State Street
Eagle, ID 83616

Bob & Elsie Hanson
4151 Hartley Road
Eagle ID 83616

Mike Dixon
Rt. 1, 2650 Wing Road
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Eugene Muller
c/o Mary Taylor
320 N. Palmer Lane
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Mary Taylor
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San Anselmo, CA 94960

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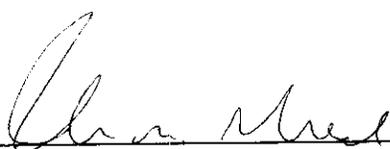
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Ronald Schreiner
2153 N. Pollard Lane
Star, ID 83669

Bob & Elsie Hanson
4151 Hartley Road
Eagle, ID 83616



John M. Marshall

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NOV 13 2005
Department of Water Resources

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

225 NORTH 9TH STREET, SUITE 420
BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

STEPHANIE J. BONNEY
SUSAN E. BUXTON*
MICHAEL C. MOORE†
BRUCE M. SMITH
PAUL A. TURCKE‡
CHRISTOPHER E. YORGASON
TAMMY A. ZOKAN*

TODD M. LAKEY
Of Counsel

JOHN J. MCFADDEN*‡
Of Counsel

* Also admitted in Oregon
‡ Also admitted in Washington
‡ Also admitted in South Dakota
* Also admitted in New Mexico

November 1, 2005

Mr. Gary Spackman
Idaho Department of Water Resources
322 E Front Street
Boise, Idaho 83720-0098

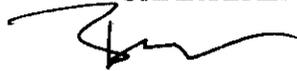
Re: City of Eagle Applications for Permit Nos. 63-32089 and 63-32090

Dear Mr. Spackman:

At the Second Prehearing Conference, you requested available dates in February and March for a hearing on this matter. Due to the elapsed time in obtaining a drilling permit and responding to the Protestants, the City of Eagle cannot complete the necessary work in time for a February or Early March hearing. Also because of spring break, the month of March is simply no longer viable. Therefore, the City of Eagle requests a hearing on April 5, 6, 7 or the week of April 10-14, 2006.

Sincerely,

MOORE SMITH BUXTON & TURCKE
CHARTERED



Bruce M. Smith

BMS:jj
cc: Protestants

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AT LAW

NINTH & IDAHO CENTER, SUITE 420
225 NORTH 9th STREET, BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

FACSIMILE COVER SHEET

DATE: November 1, 2005 RECIPIENT'S FAX: 287-6700

TO: Gary Spackman CLIENT: 1019-03

RE: City of Eagle, Applications for Permit Nos. 63-32089 and 63-32090

FROM: Tammy A. Zokan/ amanda

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 2

- ORIGINAL WILL NOT BE SENT
- ORIGINAL WILL BE SENT BY FIRST CLASS MAIL
- ORIGINAL WILL BE SENT BY FEDERAL EXPRESS

ADDITIONAL COMMENTS:

***** IMPORTANT MESSAGE *****

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

225 NORTH 9TH STREET, SUITE 420
BOISE, ID 83702
TELEPHONE: (208) 331-1800 FAX: (208) 331-1202

STEPHANIE J. BONNEY
SUSAN E. BUXTON*
MICHAEL C. MOORE†
BRUCE M. SMITH
PAUL A. TURCKE‡
CHRISTOPHER E. YORGASON
TAMMY A. ZOKAN*

TODD M. LAKEY
Of Counsel

JOHN J. MCFADDEN*
Of Counsel

* Also admitted in Oregon
† Also admitted in Washington
‡ Also admitted in South Dakota
* Also admitted in New Mexico

November 1, 2005

Mr. Gary Spackman
Idaho Department of Water Resources
322 E Front Street
Boise, Idaho 83720-0098

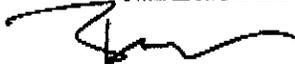
Re: City of Eagle Applications for Permit Nos. 63-32089 and 63-32090

Dear Mr. Spackman:

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Sincerely,

MOORE SMITH BUXTON & TURCKE
CHARTERED



Bruce M. Smith

BMS:jj
cc: Protestants

United Water 

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NOV 01 2005
United Water Idaho Inc.
8248 W. Victory Road
P.O. Box 83720
Boise, ID 83719-0420
Department of Water Resources
telephone 208 362 7300
facsimile 208 362 3858

October 31, 2005

Gary Spackman
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 837205-0098

Re: New Applications for Permit Nos. 63-32089 and 63-32090 in the name of the City of Eagle

Dear Gary:

At the second pre-hearing conference in the above referenced matter, the protestants were instructed to specify which dates they would not be able to attend a February or March 2006 hearing. United Water Idaho and council are unavailable to attend on the following dates:

February 15
March 9

Sincerely,


Roger Dittus PG
Hydrogeologist

cc: City of Eagle
John Marshall, Givens Pursley LLP
Bruce Smith, Moore Smith Buxton & Turcke Chtd.

Gibson, Deborah

From: Whitney, Rob
Sent: Monday, October 31, 2005 10:15 AM
To: Gibson, Deborah
Subject: FW: City of Eagle Hearing

-----Original Message-----

From: Spackman, Gary
Sent: Wednesday, October 19, 2005 10:24 AM
To: Dreher, Karl
Cc: Tuthill, Dave; Westra, John; Whitney, Rob; Rassier, Phil; Wigle, Victoria
Subject: City of Eagle Hearing

Karl,

On October 18, 2005, I held a prehearing conference for the two protested City of Eagle applications to appropriate water. Prior to the prehearing conference, the City of Eagle distributed construction specs for the proposed test well and a description of the proposed pumping test to the protestants. A major portion of the prehearing conference was spent discussing the proposal for construction and testing.

At the end of the prehearing conference, we determined the parties would have until November 1, 2005 (14 days after the prehearing conference) to submit additional comment about the construction and testing to Rob Whitney for review. Rob stated he would immediately begin his analysis and would be ready to recommend department action shortly after November 1, 2005. In attempting to project the time necessary for hearing preparation, I predicted approximately 30 days for completion of drilling permit and pump test review and department action on the proposals. I selected February or March 2006 as the probable time period for a hearing.

I assume you want to sign the drilling permit and an order authorizing the test. I propose asking Victoria to schedule a meeting with you during the week of November 8, 2005, to discuss the analysis by Rob Whitney, John Westra, and others in hydrology section. Based on the results of the meeting, details about and conditions for the drilling permit and the order authorizing the test can be completed.

Gary



United Water Idaho Inc.
8248 W. Victory Road
P.O. Box 190420
Boise, ID 83719-0420
telephone 208 362 7300
facsimile 208 362 3858

RECEIVED
OCT 31 2005
Department of Water Resources

October 27, 2005

Rob Whitney
Senior Water Resource Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: United Water Idaho's comments regarding the Aquifer Test Proposal pertaining to Applications for Water Appropriation 63-32089 and 63-32090

Dear Rob:

At the second pre-hearing conference on October 18, 2005, protestants were instructed to submit comments regarding the Aquifer Test Proposal by Holladay Engineering Company in their letter dated October 12, 2005. United Water Idaho has reviewed the proposal and believes the proposed aquifer test will yield adequate data if all or most of the potential monitoring wells are utilized during the testing.

At the time of the second pre-hearing conference, none of the ten potential monitoring wells could be verified as being both appropriate and accessible. This is understandable given the short time between the City of Eagle's decision to perform an aquifer test and the second pre-hearing conference. It is our opinion that when the actual monitoring wells have been identified, the number of wells and completion depths should be comparable to what is shown on the map included in the Aquifer Test Proposal. This will provide adequate coverage of the three depth ranges discussed in the proposal.

Sincerely,

Roger Dittus PG
Hydrogeologist

cc: Gary Spackman, IDWR

Scott Rhead, UWID
Chris Duncan, Holladay Engineering Co.
City of Eagle
Bruce Smith, Moore Smith Buxton & Turke Chtd.

October 22, 2005

RECEIVED
OCT 26 2005
Department of Water Resources

TO: Mr. Gary Spackman
Idaho Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

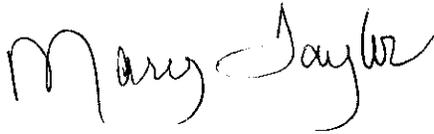
FROM: Mary Taylor
3410 Hartley
Eagle, Idaho 83616

RE: Protest hearing for City of Eagle applications # 63-32089 & 63-32090

Dear Mr. Spackman,

In response to your instructions at our meeting of October 18, 2005, I will be unavailable for a hearing on March 7-13 of 2006.

Sincerely,

A handwritten signature in cursive script that reads "Mary Taylor".

Mary Taylor

RECEIVED

OCT 25 2005

DEPARTMENT OF
WATER RESOURCES

STOPPELLO & KISER
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAYS STREET
BOISE, IDAHO 83702

FRANK W. STOPPELLO
JERRY A. KISER
F. MATTHEW STOPPELLO

TELEPHONE (208) 336-1020
FACSIMILE (208) 336-1027

October 20, 2005

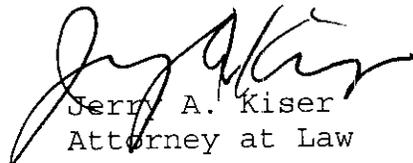
Gary Spackman
Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: City of Eagle - Applications for
Permits Nos. 63-32089 and 63-32090

Dear Mr. Spackman:

This letter is pursuant to your instructions at the Second Prehearing Conference in the above-referenced matter to provide unavailable dates for setting hearing in February and March 2006. This letter is to notify you that the unavailable dates of Star Sewer & Water District and its attorney are February 6-17, 2006. These dates were previously identified by myself as unavailable dates in my correspondence dated September 29, 2005.

Sincerely,


Jerry A. Kiser
Attorney at Law

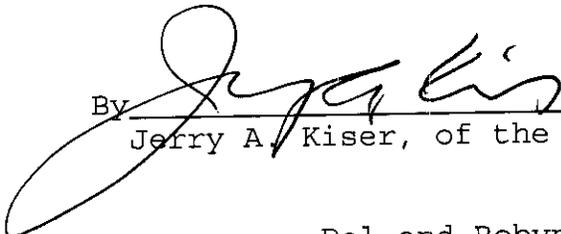
JAK:jf

cc: All Parties

CERTIFICATE OF SERVICE: The undersigned does hereby certify that on this date he caused a true and correct copy of the within and foregoing letter to be sent by United States first-class postage prepaid mail to the following:

DATED this 24th day of October, 2005.

STOPPELLO & KISER
ATTORNEYS AT LAW

By 
Jerry A. Kiser, of the firm

Dana & Viki Purdy
5926 Floating Feather Road
Eagle, ID 83616

Del and Robyn Morton
6814 W. Beacon Light Road
Eagle, ID 83616

Joseph & Lynn Moyle
& Michael Moyle
480 N. Plummer Road
Star, ID 83669

Corrin H. Hutton
Terry Hutton
10820 New Hope Road
Star, ID 83669

Michael McCollum
1290 Butterfield
San Anselmo, CA 94960

Bob and Elsie Hanson
4151 Hartley Road
Eagle, ID 83616

Michael Heath
Nancy Heath
401 N. Palmer Lane
Eagle, ID 83616

Mike Dixon
Rt. 1 2650 Wing Road
Star, ID 83669

Tim Cheney
P.O. Box 190027
Boise, ID 83719

Tony and Brenda O'Neal
1910 N. Mountain Vista Lane
Star, ID 83669

Boy Barnett
188 S. Young Lane
Eagle, ID 83616

United Water
% Scott Rhead
P.O. Box 190420
Boise, ID 83719-0420

Jerry and/or Mary Taylor
3410 Hartley
Eagle, ID 83616

Sam and Kari Rosti
1460 N. Pollard Lane
Star, ID 83669

Bryan and Marie Pecht
10090 W. Floating Feather
Star, ID 83669

Eugene Muller
% Mary Taylor
320 N. Palmer Lane
Eagle, ID 83616

Charles W. Meissner Jr.
3101 N. Palmer
Eagle, ID 83616

Charles Howarth
% Gunnar & Matt Howarth
833 N. Palmer
Eagle, ID 83616

Bill Flack
4035 Hartley Road
Eagle, ID 83616

Ron Schreiner
2153 N. Pollard Lane
Star, ID 83669

City of Star
% Rod Linja
131 SW 5th Ave., Suite A
Meridian, ID 83642

Leeroy and Billie Mellies
6860 W. State Street
Eagle, ID 83616

Dean and/or Jan Combe
6440 W. Beacon Light Road
Eagle, ID 83616

Norma Mares
Mary Taylor
23966 Blessinger Road
Star, ID 83669

Ralph and Barbara Wilder
7320 W. State Street
Eagle, ID 83616

Frank and Elaine Mosman
570 Highway 16
Eagle, ID 83616

Julie Klein Fischer
White Peterson
5700 Franklin Road
Nampa, ID 83687

RECEIVED
OCT 20 2005
DEPARTMENT OF
WATER RESOURCES

Julie K. Fischer
WHITE PETERSON, P.A.
5700 East Franklin Road, Suite 200
Nampa, Idaho 83687
Telephone: (208) 466-9272
Facsimile: (208) 466-4405
Idaho State Bar No. 4601
jkf@whitepeterson.com

Attorneys for Respondents
Hoot Nanney Farms, Inc., Mike Dixon

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

IN THE MATTER OF APPLICATION FOR)
PERMIT NOS. 63-32089 AND 63-32090 IN)
THE NAME OF CITY OF EAGLE) **SUPPLEMENTAL RESPONSE TO**
) **PROPOSED HEARING DATES**
)
)

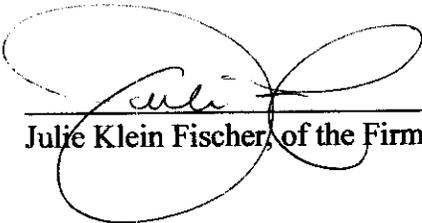
COMES NOW, Protestant, Hoot Nanney Farms, Inc., / Mike Dixon, by and through its attorney of record, Julie Klein Fischer of White Peterson, P.A., and notifies the Department pursuant to the prehearing conference held on October 18, 2005, that counsel supplements her unavailable hearing dates to include the following:

February 10, 14, 25, 2005

March 20-24; 27-31, 2005

DATED this 20 day of October, 2005.

WHITE PETERSON, P.A.


Julie Klein Fischer, of the Firm

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of October, 2005, I caused to be served a true and correct copy of the foregoing document by U.S. Mail, postage prepaid, to the following:

City of Eagle
PO Box 1520
Eagle ID 83616

Chris Duncan
Holladay Engineering Co.
PO Box 235
Payette ID 83661

Gary Spackman
Idaho Dept. of Water Resources
PO Box 83720
Boise ID 83720-0098

Dana & Vicky Purdy
5926 Flating Feather
Eagle ID 83616

Mike Dixon
Rt. 1 2650 Wing Rd
Star ID 83669

Tony & Brenda O'Neil
1910 N. Mountain Vista Lane
Star ID 83669

Joseph & Lynn Moyle
c/o Michael Moyle
480 N. Plummer Rd
Star ID 83669

Scott Rhead
United Water Id Inc.
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Boise ID 83719-0420

LeeRoy & Billie Mellies
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Eugene Muller
c/o Mary Taylor
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Dean & Jan Combe
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Eagle ID 83616

Tim Cheney
PO Box 190027
Boise ID 83719

Charles Meissner, Jr.
3101 N. Palmer
Eagle ID 83616

Norma Mares
Mary Taylor
23966 Blessinger Road
Star ID 83669-5016

Jim Keller
Justin Walker
Star Sewer & Water
131 SW 5th Ave. Ste. A
Meridian ID 83642

Charles Howard
c/o Gunner & Matt Howarth
833 N. Palmer
Eagle ID 83616

Jerry & Mary Taylor
3410 Hartley
Eagle ID 83616

Bill Flack
4035 Hartley Rd
Eagle ID 83616

Corrin Hutton
Terry Hutton
10820 New Hope Road
Star ID 83669

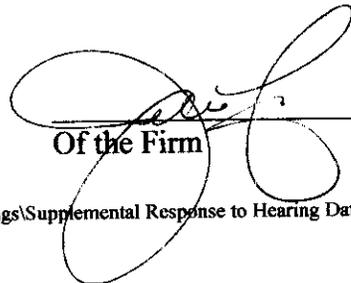
Ronald Schreiner
2153 N. Pollard Lane
Star ID 83669

Bob & Elsie Hanson
4151 Hartley Road
Eagle ID 83616

City of Star
c/o Rod Linja
131 SW 5th Ave. Ste. A
Meridian ID 83642

Scott & Nancy Reeser
499 N. Linder Road
Eagle ID 83616

Bruce Smith
MOORE SMITH BUXTON
225 N. 9th Ste. 420
Boise ID 83702



Of the Firm

da:W:\Work\H\Hoot Nanney\City of Eagle 17312.003\Pleadings\Supplemental Response to Hearing Date.doc

ROSTER OF ATTENDANCE

IN THE MATTER OF APPLICATIONS TO
 APPROPRIATE WATER NOS. 63-32089
 AND 63-032090 IN THE NAME OF
 THE CITY OF EAGLE

) PREHEARING CONFERENCE
) October 18, 2005, 1:00 p.m.
)
) Conducted by Gary Spackman
) Hearing Officer

NAME	ADDRESS	REPRESENTING
------	---------	--------------

- | | | |
|---------------------|---|-----------------------|
| C Tom Wood | Clearwater Geo, 510 E 17th St. #205, IF 83404 | SS:W |
| P Mike Heath | 401 Palmer Lane | |
| P EUGENE MULLER | 320 N. PALMER LN. | |
| P Corrin Hutton | 10920 New Hope Rd | Self |
| P Jack Kirkley | | STAR SEWER WATER |
| P Barbara Wilder | | |
| P C. H. Novas | | |
| C Vernon Brewer | | 642-3304 |
| A E Ferris A. Kiser | 610 | |
| C CHRIS DUNCAN | Hollmann Eng. Co | 642-3304 |
| A Bruce Smith | | |
| Rob Whitney | IDWR | 334-2190 |
| S Al SHOUSHTARIAN | 114 N. Eagle Rd | 336-5996 |
| Mrs Nancy Brewer | | Tri-County Valley Twp |
| P Phil Cheney | PO Box 33 Star | 3232333 |
| S Lynne Sedlitz | PO Box 1520
EAGLE | 939-6219 |

NAME

ADDRESS

REPRESENTING

C Justin Keller 131 SW 5th Ave. Suite A City of Star, SSWD

A Julie Fisher 5700 E Franklin Naupa, ID. Hoot Nanny

S David Erickson 6951 Duncan Lane. EARLE ED LHC

S Connor Robbins 209 S. Grandean way

P Bill Flack 4035 Hartley Ad Eagle

P Charles Meissner 3101 N Palmer Eagle

R CHARLES S MEISSNER 3101 N PALMER EAGLE

P Roger Dittus 8248 W. Victory United Water

P Mary Taylor 3410 Hartley Eagle

C Todd Santiago 1639 S River Gate Way Eagle

P Jan Combe 6446 W Beacon Light Eagle

P = Protestant

A = Attorney

C = Consultant.

S = Self / Observer.



TREASURE VALLEY TURF, INC.

P.O. Box 190027

RECEIVED

OCT 14 2005

DEPARTMENT OF
WATER RESOURCES

RECEIVED

OCT 14 2005

DEPARTMENT OF
WATER RESOURCES

Gary Spackman
Department of Water Resources
322 East Front Street
P.O. Box 83702
Boise, ID 83702-0098

Re: City of Eagle's Applications for Permits Nos. 63-32089 and 63-32090

Dear Mr. Spackman:

I am writing to you to object to the hearing dates of Dec. 6-8

I don't believe those dates will allow us to adequately prepare for such a complicated issue.

Since the City of Eagle has elected to drill a well for this application, I would want to see the well test report before the hearing. I understand the well is finished, and if that is the case, I would demand the pump test be done before the hearing.

Sincerely,
Tim Cheney
Treasure Valley Turf

BEFORE THE DEPARTMENT OF WATER RESOURCES
FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS TO)
APPROPRIATE WATER NOS. 63-32089 AND)
63-32090 IN THE NAME OF THE CITY)
OF EAGLE)
_____)

**NOTICE OF SECOND
PREHEARING CONFERENCE
AND ORDER**

This contested case before the Idaho Department of Water Resources (“Department”) was created by protests filed against the referenced applications to appropriate water nos. 63-32089 and 63-32090 filed by the City of Eagle (Eagle). On October 4, 2005, the Director of the Department appointed Gary Spackman (“Spackman” or “the hearing officer”) as the hearing officer in the contested case.

IDWR has scheduled a prehearing conference for the contested case on **October 18, 2005, beginning at 1:00 p.m. at the Eagle Public Library, 100 N. Stierman Way, Eagle, Idaho**. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The hearing officer was appointed by the Director to conduct a hearing for protests against Eagle’s applications to appropriate water. Eagle also filed an application to drill a test well. Eagle proposes to conduct a test to determine water availability and effects on other water users. The application to drill a well is not included in the contested case for the applications to appropriate water. The Director has indicated to the hearing officer that he intends to issue a drilling permit for the test well, but has agreed that all parties to the contested case must be given

an opportunity to suggest how the well should be constructed, how the test should be conducted, and to independently gather data during the test.

The purposes of the prehearing conference are: (1) Discuss Eagle's proposal to drill a test well and conduct a pumping test; (2) Establish a timetable for gathering of data and evidence, engaging in discovery, preparing reports and exhibits, exchanging information, and (3) schedule the hearing.

IT IS HEREBY ORDERED that:

1. On or before **October 12, 2005**, Eagle shall serve upon the parties, mailed by U.S. Mail or faxed upon request to the City of Eagle, the following:
 - a. A detailed explanation, in layman's terms, of construction specifications for the proposed test well.
 - b. A detailed explanation of the proposed pumping test, including the length of the test, the identity and location of wells in which water levels will be tested, the time interval of testing, the flow rates that will be pumped from the proposed test well, and whether the measurements will continue during the recovery phase after the pump is no longer operating.

Failure to provide the information could result in delay of the Department's consideration of Eagle's application for a drilling permit and delay in holding a hearing.

2. The parties shall come prepared to discuss the proposals for construction of a test well and a pumping test served by Eagle. For well construction, topics of discussion include the method of well construction, the permanency of the proposed well, casing and sealing procedures, proposed water production zones, and appropriate screening. For the proposed pumping test, topics of discussion include the adequacy of the proposed test and whether additional data should be gathered. In addition, the protestants may propose that their wells also be measured as part of the test.

3. Each party, or a group of parties, shall propose a schedule for hearing preparation and proposed dates for a hearing, and shall be prepared to discuss the respective proposed schedules and hearing dates and to identify a schedule that allows sufficient time for hearing preparation but doesn't unduly delay holding the hearing.

The conference will be conducted in a facility that satisfies the accessibility requirements of the American with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise Deborah Gibson, Administrative Assistant for Gary Spackman, at 322 East Front St., P.O. Box 83720, Boise, Idaho 83720-0098, at least ten (5) days prior to the conference.

Dated this 7th day of October, 2005.



Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of October, 2005, a true and correct copy of the above and foregoing documents described below were served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Notice of Prehearing Conference

DANA & VIKI PURDY
5926 FLOATING FEATHER
EAGLE ID 83616

JOSEPH & LYNN MOYLE
C/O MICHAEL MOYLE
480 N PLUMMER RD
STAR ID 83669

MICHAEL MCCOLLUM
1290 BUTTERFIELD
SAN ANSELMO CA 94960

MICHAEL HEATH
NANCY HEATH
401 N PALMER LN
EAGLE ID 83616

TIM CHENEY
PO BOX 190027
BOISE ID 83719

JERRY & MARY TAYLOR
3410 HARTLEY
EAGLE ID 83616

CORRIN & TERRY HUTTON
10820 NEW HOPE RD
STAR ID 83669

BOB & ELSIE HANSON
4151 HARTLEY RD
EAGLE ID 83616

UNITED WATER ID INC
C/O SCOTT RHEAD
PO BOX 190420
BOISE ID 83719-0420

SAM & KARI ROSTI
1460 N POLLARD LN
STAR ID 83669

EUGENE MULLER
320 N PALMER LN
EAGLE ID 83616

CHARLES MEISSNER JR
3101 N PALMER
EAGLE ID 83616

CHARLES HOWARTH
C/O GUNNER & MATT HOWARTH
833 N PALMER
EAGLE ID 83616

BILL FLACK
4035 HARTLEY RD
EAGLE ID 83616

RONALD SCHREINER
2153 N POLLARD LN
STAR ID 83669

CITY OF STAR
C/O ROD LINJA
131 SW 5TH AVE STE A
MERIDIAN ID 83642

TONY & BRENDA O'NEIL
1910 N MTN VISTA LN
STAR ID 83669

MIKE DIXON
RT 1 2650 WING RD
STAR ID 83669

SCOTT & NANCY REESER
499 N LINDER RD
EAGLE ID 83616

LEEROY & BILLIE MELLIES
6860 W STATE ST
EAGLE ID 83616

RALPH & BARBARA WILDER
7320 W STATE ST
EAGLE ID 83616

DEAN & JAN COMBE
6440 W BEACON LIGHT
EAGLE ID 83616

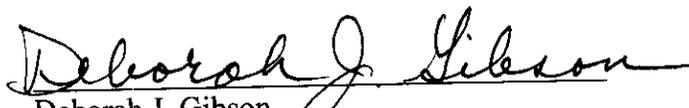
NORMA MARES /
23966 BLESSINGER RD
STAR ID 83669-5016

BRUCE M SMITH
MOORE SMITH BUXTON TURKE
225 N 9TH STE 420
BOISE ID 83702

JULIE K FISCHER
WHITE PETERSON
5700 FRANKLIN RD
NAMPA ID 83687

JERRY A KISER
STOPPELLO & KISER
620 W HAYS
BOISE ID 83702

WESTERN REGION
ATTN JOHN WESTRA
2735 AIRPORT WAY
BOISE ID 83705-5082


Deborah J. Gibson
Administrative Assistant

IDAHO DEPARTMENT OF
WATER RESOURCES

Fax

To: Bruce Smith, Julie Fischer, &
Jerry Kiser

From: Deborah J. Gibson
(208) 287-4942

Fax: 331-1202, 466-4405, 336-1027

Date: October 7, 2005

Phone:

Pages: 5

Re: City of Eagle Apps. Nos. 63-32089
& 63-32090

cc: *Western: John Westra
& Rob Whitney*

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

•Comments:

Attached is a revised Notice of Second Prehearing Conference in the above-referenced matter. (Please discard the previous notice and replace it with the attached.) The deadline for the City of Eagle's mailing of the construction and pump testing of the proposed test well has been changed to Oct. 12. A revised copy is in the mail to you today and all the parties.

Please contact me at the above number if you have any problems with the transmission of this fax, or if you have any questions.

WHITE PETERSON

ATTORNEYS AT LAW

CANYON PARK AT THE IDAHO CENTER
5700 E. FRANKLIN RD., SUITE 200
NAMPA, IDAHO 83687-7901

TEL (208) 466-9272
FAX (208) 466-4405

Email dperry@whitepeterson.com

RECEIVED

OCT 04 2005

WATER RESOURCES
WESTERN REGION

SARAH H. ARNETT
KEVIN E. DINIUS
JULIE KLEIN FISCHER
CHRISTOPHER D. GABBERT
WM. F. GIGRAY, III
T. GUY HALLAM **
JILL S. HOLINKA
JOHN R. KORMANIK *
WILLIAM A. MORROW
WILLIAM F. NICHOLS **

CHRISTOPHER S. NYE
PHILIP A. PETERSON
TODD A. ROSSMAN
TERRENCE R. WHITE ***

* Also admitted in CA
** Also admitted in OR
*** Also admitted in WA

October 3, 2005

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

RE: Permit Nos. 63-32089 and 63-32090

Dear Clerk:

Enclosed are the original and one copy of the Response to Proposed Hearing Dates in the above referenced matter. Please file the original document and return the court stamped copy to me in the enclosed self-addressed, stamped envelope. *VDJ*

If you have any questions, please call. Thank you for your consideration.

Sincerely,

WHITE PETERSON, P.A.

H. Diane Perry
H. Diane Perry, Legal Assistant to
Julie K. Fischer and John R. Kormanik

/hdp
Enclosures
cc: client

RECEIVED

OCT 04 2005

WATER RESOURCES
WESTERN REGION

Julie K. Fischer
WHITE PETERSON, P.A.
5700 East Franklin Road, Suite 200
Nampa, Idaho 83687
Telephone: (208) 466-9272
Facsimile: (208) 466-4405
Idaho State Bar No. 4601
jkf@whitepeterson.com

Attorneys for Respondents
Hoot Nanney Farms, Inc., Mike Dixon

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

IN THE MATTER OF APPLICATION FOR
PERMIT NOS. 63-32089 AND 63-32090 IN
THE NAME OF CITY OF EAGLE

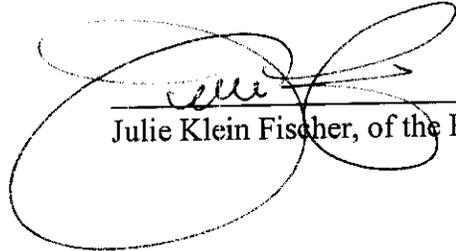
)
)
) **RESPONSE TO PROPOSED**
) **HEARING DATES**
)
)

COMES NOW, Protestant, Hoot Nanney Farms, Inc./ Mike Dixon, by and through its attorney of record, Julie Klein Fischer of White Peterson, P.A., and notifies the Department that counsel is not available on the proposed hearing dates of December 6, 7 and 8, in the above-referenced matter.

Counsel is unavailable because of a previously scheduled jury trial. Protestant respectfully requests the Department reschedule the hearing. Protestant's unavailable dates for hearing are attached hereto as Exhibit "A."

DATED this 30th day of September, 2005.

WHITE PETERSON, P.A.



Julie Klein Fischer, of the Firm

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of October, 2005, I caused to be served a true and correct copy of the foregoing document by U.S. Mail, postage prepaid, to the following:

City of Eagle
PO Box 1520
Eagle ID 83616

Chris Duncan
Holladay Engineering Co.
PO Box 235
Payette ID 83661

Gary Spackman
Idaho Dept. of Water Resources
PO Box 83720
Boise ID 83720-0098

Dana & Vicky Purdy
5926 Flating Feather
Eagle ID 83616

Mike Dixon
Rt. 1 2650 Wing Rd
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Tony & Brenda O'Neil
1910 N. Mountain Vista Lane
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Joseph & Lynn Moyle
c/o Michael Moyle
480 N. Plummer Rd
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131 SW 5th Ave. Ste. A
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833 N. Palmer
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Bill Flack
4035 Hartley Rd
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Corrin Hutton
Terry Hutton
10820 New Hope Road
Star ID 83669

Ronald Schreiner
2153 N. Pollard Lane
Star ID 83669

Bob & Elsie Hanson
4151 Hartley Road
Eagle ID 83616

City of Star
c/oRrod Linja
131 SW 5th Ave. Ste. A
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499 N. Linder Road
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Bruce Smith
MOORE SMITH BUXTON
225 N. 9th Ste. 420
Boise ID 83702

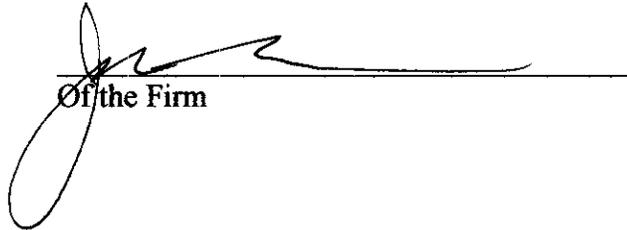

Of the Firm

EXHIBIT "A"

Unavailable Dates

Entire month of October, 2005
Entire month of November, 2005
Entire month of December, 2005
January 2-23, 2006
February 10, 2006
March 10, 2006
April 14, 2006



HOLLADAY ENGINEERING CO.

ENGINEERS • CONSULTANTS

32 N. Main P.O. Box 235 Payette, ID 83661
(208) 642-3304 • Fax # (208) 642-2159

RECEIVED

SEP 13 2005

WATER RESOURCES
WESTERN REGION

September 8, 2005

Mr. John Westra
Western Regional Office
Idaho Department of Water Resources
2375 Airport Way
Boise, ID 83705-5082

Subject: Aquifer Test Proposal and Test Well Drilling Permits for City of
Eagle W.R. Applications 63-32089 and 63-32090, HECO NO.
EG061204 and EG13305

Dear Mr. Westra,

The City of Eagle is requesting review and approval to conduct an aquifer test pertaining to water appropriation applications 63-32089 and 63-32090. The aquifer test will provide site specific hydrogeologic information for the Lower Treasure Valley Aquifer system and serve as a basis for further analysis. The aquifer test will also provide a field demonstration of pumping effects on ground water levels at various monitoring well locations up to a distance of 1-mile from the pump test well.

The aquifer test will consist of constructing a new test well at the site. The test well will be pumped at a rate of 1,000 gpm for approximately 7-days during the pumping phase of the test. Up to ten existing wells in the area, completed in three general aquifer zones, will be monitored for water level change. The draw-down and recovery data be analyzed to determine aquifer parameters and conditions in the area. The test data and analysis will be compiled into a final report.

Enclosed are two drilling permit applications. The first application is for construction of test well no. 1 located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 11, T. 4N, R. 1W. The proposed location of test well no. 1 corresponds to the location of production well no. 1 listed in water right appropriation application 63-32089 and 63-32090. Test well no. 1 is designed as a 12-inch single-string well assembly with 80-feet of 30-slot screen, an artificial sand filter pack, and bentonite pressure

grout seal. The test well will be completed with screened intervals between approximately 400 to 550 feet. Final screen placement will be based on drilling results. Attached is a design drawing for test well no. 1.

The second drilling permit application is for a temporary well to provide drilling water for the construction of the test well no. 1. Temporary well no. 1 is designed as a 6-inch well with an open interval between approximately 35 to 50 feet and a 20 foot deep chip bentonite well seal. The well is designed to only provide temporary drilling water. The well will be drilled using a direct air rotary method. The well will be abandoned immediately following the construction of test well no. 1. The City is prepared to provide bonding for well abandonment, if requested by the Department. Riverside, Inc. has been selected as the drilling contractor for both wells. Attached is a design drawing for temporary well no. 1.

The following details the proposed aquifer test.

Aquifer Test

A seven day constant rate pump and recovery aquifer test is proposed to determine conditions the Lower Treasure Valley Aquifer system at the site. The aquifer test will consist of pumping and recovery phases to determine aquifer transmissivity and storativity values at the pumping well and monitoring well locations. The proposed aquifer test is similar in size and duration to the United Water of Idaho Floating Feather well test performed in 1995 and has been designed to DEQ Public Water System requirements for test pumping a groundwater source supply under IDAPA 58.01.08.550.03.i.

Pumping Phase of Test

Test well no. 1 will be pumped at a constant rate of 1,000 gpm for approximately 7-days. The pumping rate will be controlled by a discharge valve and monitored using a flow rate and totalizing meters. The proposed pumping rate is equivalent to the projected peak 1-hour demand without fire flow for the proposed City of Eagle Municipal Water System Western Expansion Area at 2,000 equivalent residential customer service connections. The aquifer test pumping duration is a maximum of seven-days or until 72-hours of water level stabilization has occurred in the pumping well. The maximum water volume to be produced is 30.93 ac-ft for a 7-day period of pumping. Groundwater will be discharged to the existing canal and irrigation system on the Quarter Circle D. J. Ranch owned by Legacy Sports Development, LLC. The groundwater produced during the test will be used for farm irrigation.

Recovery Phase of Test

The recovery phase of the test will start at the completion of pumping. Water levels will be monitored in all wells for a period equal to or exceeding the pumping test duration. The water level recovery data will be used to determine transmissivity and storativity values at each well location.

Pre-Test Monitoring

All aquifer test wells will be monitored for water level fluctuations one week prior to the start of the pump phase of the test. The data will be used to evaluate antecedent water level trends and will provide a basis for water level corrections due to meteoric pressure changes during the aquifer test.

Water Level Monitoring

Up to ten existing wells located on the Quarter Circle D. J. Ranch will be used for water level monitoring during the aquifer test. Five of the monitoring wells are artesian and completed in the deep aquifer zone below 250 feet. Three monitoring wells are non-artesian and completed in the intermediate zone between 100 and 180 feet, and two monitoring wells are completed in the shallow upper aquifer zone. The radial distances of these monitoring wells range between approximately 500 and 5,100 feet from the pumping well. All well locations will be surveyed. Attached is an aquifer test map showing the approximate well locations.

Monitoring wells will be video inspected as needed to confirm well completion and open intervals prior to the test. Ground water levels will be monitored with water level meters and pressure transducer equipment during the test. Pressure data corrections and conversions will be made to calculate water levels. Water level measurements will be collected on log-scale intervals to generate appropriate draw-down curves at each monitoring well location.

Analysis and Reporting

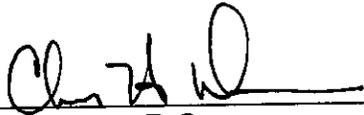
Water level data collected from pumping and monitoring wells during the test will be plotted as draw-down and recovery curves. The data will be analyzed using appropriate methods for aquifer conditions (confined, semi-confined, or unconfined) to determine aquifer characteristics and parameters.

The data and analysis will be compiled into a report to the City of Eagle. Scientific peer review will be conducted for the aquifer field test, analysis and report findings.

The tentatively scheduled is to start the aquifer pump test on Monday October 3, 2005. An additional three weeks is required for data analysis and report preparation.

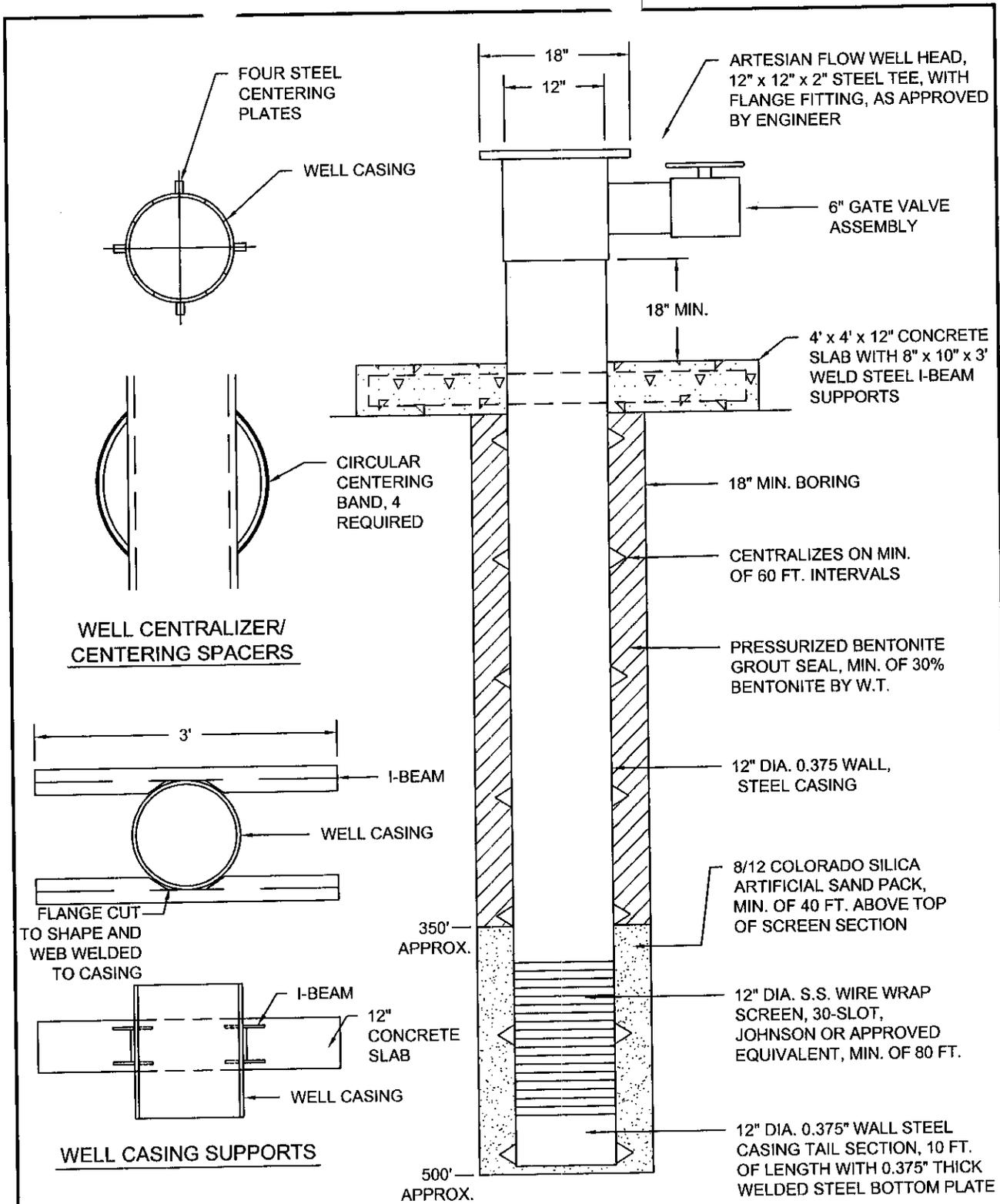
If you have questions or concerns, please contact me at 642-3304.

Sincerely,
HOLLADAY ENGINEERING COMPANY

A handwritten signature in black ink, appearing to read "Chris Duncan", written over a horizontal line.

Chris Duncan, P.G.

cc: City of Eagle, Mayor Merrill
MSBT, Bruce Smith, City Attorney



NOTES:

- 1) ALL DEPTHS ARE APPROXIMATED FROM GROUND SURFACE, SCREEN AND SAND PACK MAY VARY PENDING DRILL RESULTS.
- 2) EST. SCREEN FLOW CAPACITY IS 4.46 CFS (2,009 GPM) AND 1.34 GREATER THAN WELL DESIGN TARGET OF 3.34 CFS (1,500 GPM).
- 3) STATIC WATER LEVEL IS EXPECTED TO BE ARTESIAN WITH 10-20 PSI OF PRESSURE.
- 4) WELL CONSTRUCTION MUST MEET IDEQ PUBLIC DRINKING WATER CONSTRUCTION STANDARDS.

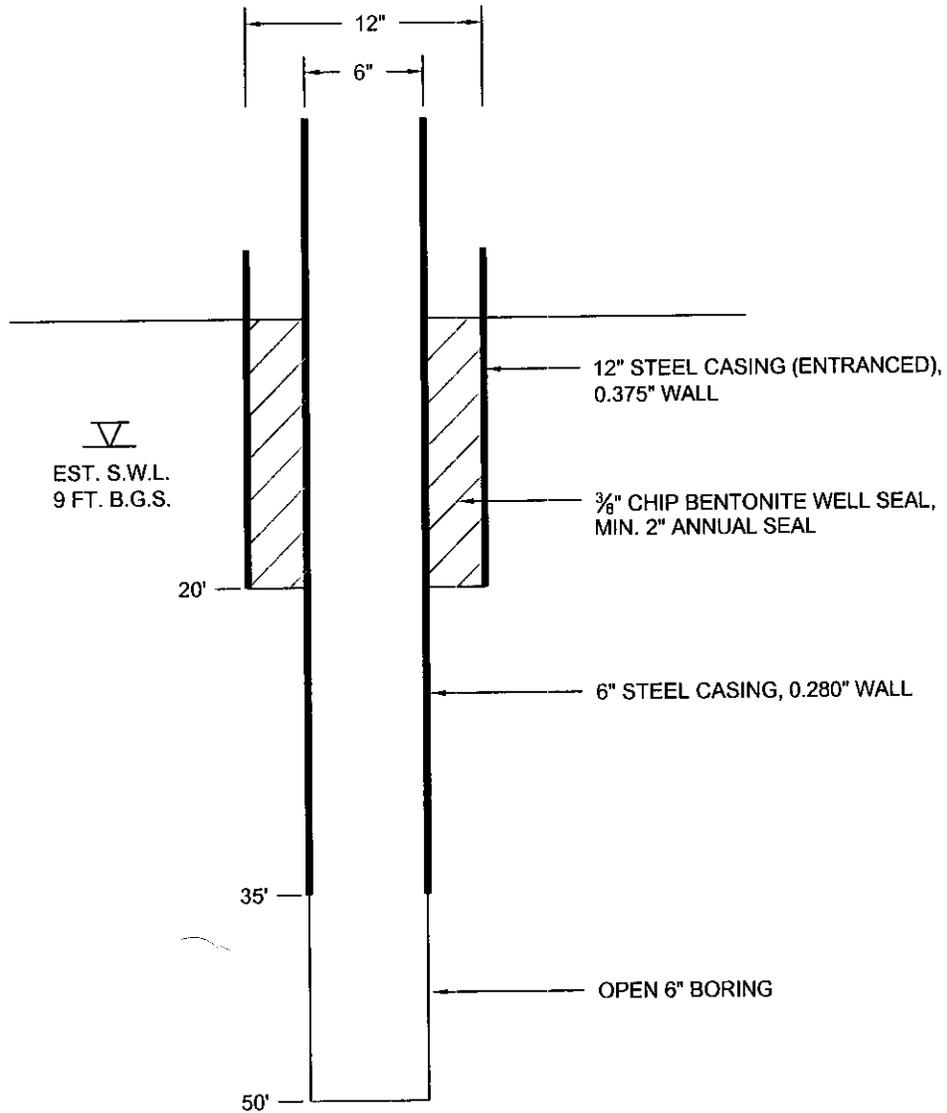
NOT TO SCALE

HOLLADAY ENGINEERING CO.
 ENGINEERS - CONSULTANTS
 32 N. MAIN P.O. BOX 235 PAYETTE ID 83661
 (208) 642-3304 FAX (208) 642-2159
 EMAIL: hec@holladayengineering.com

REUSE OF DOCUMENTS
 THIS DOCUMENT AND THE IDEAS AND DESIGN INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF HOLLADAY ENGINEERING CO. AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF HOLLADAY ENGINEERING CO.

TEST WELL NO. 1
CITY OF EAGLE, IDAHO

JOB NO.	EG 051204
DATE	8/30/05
FLOWER	9/08/05
REVISION	9/08/05
DRAWN BY	JLJ
CHECKED BY	CHD



NOTES:

- 1) ALL DEPTHS ARE APPROXIMATED FROM GROUND SURFACE.
FINAL WELL DEPTH WILL BE BASED ON DRILLING RESULTS.

NOT TO SCALE

HE HOLLADAY ENGINEERING CO.
ENGINEERS · CONSULTANTS
32 N. MAIN P.O. BOX 235 PAYETTE, ID 83661
(208) 642-3304 · FAX# (208) 642-2159
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OTHER PROJECT WITHOUT THE
WRITTEN AUTHORIZATION OF
HOLLADAY ENG. CO.

**TEMPORARY WELL NO. 1
DRILLING WATER WELL
CITY OF EAGLE, IDAHO**

JOB NO:	EG 081204
DATE:	9/08/05
FILED BY:	9/08/05
REVIEWED BY:	
DESIGNED BY:	JLJ
CHECKED BY:	CHD

RECEIVED
SEP 13 2005
WATER RESOURCES
WESTERN REGION

Drilling Permit No. _____
Drilling Permit I.D. Tag No. _____
Water Right Permit No. _____
Injection Permit No. _____

State of Idaho
Department of Water Resources

TEMPORARY WELL NO. 1
DRILLING WATER WELL

APPLICATION FOR DRILLING PERMIT (FOR THE CONSTRUCTION OF A WELL)

1. Owner (please print): City of Eagle

2. Mailing Address: PO Box 1520

City: Eagle State: ID Zip Code: 83616 Telephone: (208) 939-6813

3. Proposed Well Location: Twp. 4N, Rge. 1W, Sec. 11, 1/4 SE 1/4 NW 1/4;

Gov't Lot No. _____ County ADA Lat. _____: _____: _____ Long. _____: _____: _____

Street Address of Well Site Quarter Circle DJ Ranch, West of Linder Rd City Eagle
Give at least name of road + Distance to Road or Landmark

Lot, block and subdivision _____

4. Proposed Use of Well:

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

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

NON-DOMESTIC: Irrigation Municipal Industrial
 Livestock Test Other Temp Drilling Water Well
Type _____ Number Hd. _____ (Describe)

INJECTION

MONITORING: A well bore schematic and map is required for each blanket permit. No. of proposed wells: _____

5. Well Construction Information:

A. New well Modify Replace

B. Proposed Casing Diameter 6 inch Proposed Maximum Depth 50 feet

C. Anticipated bottom hole temperature:
 85 F or less (Cold Water Well) 85 F to 212 F (Low Temp. Geo. Well) 212 F. or more (Geothermal Well)

6. Construction Start Date: September 26, 2005

7. Anticipated Well Driller: Riverside Inc. Driller's Lic. No. _____
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's Signature: [Signature] Date 9-09-05

Address (if different than owner): _____

City: Eagle City State: Id Zip Code: 83616 Telephone: _____

Title: [Signature]
(Owner, Firm Representative, Other)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is _____ Date _____

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

GENERAL CONDITIONS:

1. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one(1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare, which may be required before construction of the well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank.
3. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals, which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85 or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "DigLine" Number for your area is 1-800-342-1585.
9. Please be advised that this drilling permit should be considered and treated as a preliminary permit. If you are in disagreement with this preliminary permit you have fourteen (14) days of the service date of this permit to petition the Department for reconsideration pursuant to Section 67-5243, Idaho Code.
10. The well tag for the drilling permit/start card shall be securely and permanently attached to the well casing through welding or by the use of four closed end domed stainless steel pop rivets. The tag attachment will be done at the time of completion of the well, and prior to removing the drill rig from the drill site.

SPECIFIC CONDITIONS:

Signature of Authorized Department Representative Title

Receipt No. W033413 Received by sk Fee 200⁰⁰ Date 9-13-05

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension expires: _____

Idaho Department of Water Resources Receipt

Receipt ID W033413

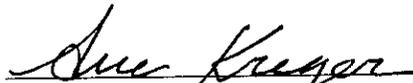
Payment Amount	\$200.00	Date Received	9/13/2005 11:37:38 AM	Region	Western	Status	
Payment Type	Check	Check Number	26642				

Payer HOLLADAY ENGINEERING

Comment APP FOR DRILLING PERMIT FOR CITY OF EAGLE WELL #1

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$200.00	DRILLING PERMITS	0229	21	62134	1205


 Signature Line (Dept. Representative)

RECEIVED

SEP 13 2005

WATER RESOURCES
WESTERN REGION

Drilling Permit No. _____
Drilling Permit I.D. Tag No. _____
Water Right Permit No. _____
Injection Permit No. _____

State of Idaho
Department of Water Resources

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Gov't Lot No. _____ County Ada Lat. _____: _____: _____ Long. _____: _____: _____

Street Address of Well Site Quarter Circle DJ Ranch, West of Linder Rd City Eagle
Give at least name of road + Distance to Road or Landmark

Lot, block and subdivision _____

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NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's Signature: [Signature] Date 9-9-05

Address (if different than owner): _____

City: Eagle City State: ID Zip Code: _____ Telephone _____

Title: [Signature]
(Owner, Firm Representative, Other)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

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SPECIFIC CONDITIONS:

Signature of Authorized Department Representative Title

Receipt No. W033412 Received by AK Fee 200⁰⁰ Date 9-13-05

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension expires: _____

Idaho Department of Water Resources Receipt

Receipt ID W033412

Payment Amount	\$200.00	Date Received	9/13/2005 11:35:17 AM	Region	Western	Status	
Payment Type	Check	Check Number	26643				

Payer HOLLADAY ENGINEERING CO

Comment: APP. FOR DRILLING PERMIT FOR CITY OF EAGLE TEST WELL #1

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$200.00	DRILLING PERMITS	0229	21	62134	1205



 Signature Line (Dept. Representative)

CITY OF EAGLE PROPOSED AQUIFER TEST MAP



LEGEND:

- PROPERTY OWNERSHIP
- PROPOSED DEVELOPMENT
- TEST WELL
- MONITORING WELLS
- SHALLOW AQUIFER ZONE WELL
- INTERMEDIATE AQUIFER ZONE WELL
- DEEP AQUIFER ZONE WELL
- 1/2 MILE - RADIAL DISTANCE FROM TEST PUMP WELL
- 1 MILE - RADIAL DISTANCE FROM TEST PUMP WELL
- ROADS
- PARCEL LINES
- SECTION LINES
- SECTION CORNERS

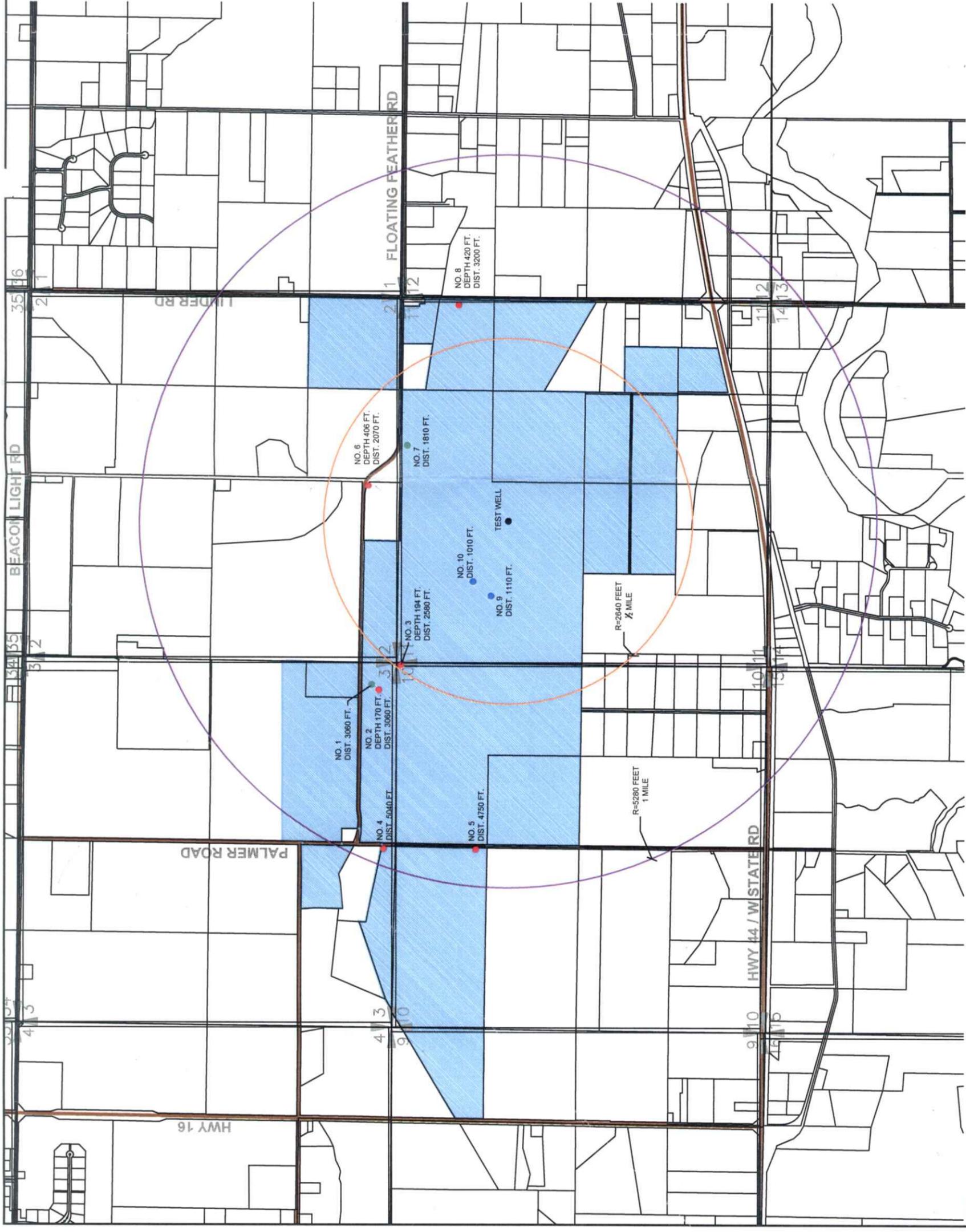


NOTE:

1) BASEMAP IS ADA AND CANYON COUNTY. (2005)

This map represents a compilation of public information from diverse records gathered by the City of Eagle and Holladay Engineering Company. The purpose for which this map is prepared is an overall general representation of positional relationships, and not a definitive description of location of any class of objects or conditions. Hence, no responsibility for errors can be or is assumed. The City of Eagle and Holladay Engineering Company CANNOT AND DO NOT GUARANTEE the absence of errors or the corrections of all information furnished to them for the preparation of this map.

SEPTEMBER 2005





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 5, 2005

MIKE DIXON
RT 1 2650 WING RD
STAR ID 83669

RE: Protested applications for permits nos. 63-32089 and 63-32090,
in the name of the City of Eagle

Dear Mr. Dixon:

Enclosed are copies of the September 21, 2005 correspondence from Gary Spackman, and the Order Appointing Gary Spackman as hearing officer in the above-referenced matter. These copies were sent to Julie Fischer with the law firm of White Peterson on October 4, 2005 because she filed a Notice of Appearance with the department on behalf of Hoot Nanney Farms, Inc. and you. During my review of these files, in connection with appointment of a hearing officer, I removed your name from the mailing list because it is the department's policy to send mail to attorneys representing parties in department matters, unless specifically instructed differently. Because of our conversation this morning, I will add your name to the mailing list, and you will continue to receive notice of the proceedings of these protested applications.

If you have any questions, please contact me at the above number.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson".

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

BEFORE THE DEPARTMENT OF WATER RESOURCES
FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
TO APPROPRIATE WATER NOS.)
63-32089 AND 63-32090 IN THE)
NAME OF THE CITY OF EAGLE)
_____)

**ORDER APPOINTING
HEARING OFFICER**

This matter is before the Idaho Department of Water Resources (“Department”), as a result of protests filed against the above referenced applications. On September 21, 2005, Mr. Gary Spackman (“Spackman”) of the Department sent a letter to the parties in the matter informing them that the Director of the Department intended to appoint him as Hearing Officer. In the letter, Spackman disclosed issues to the parties that potentially could be perceived as possible conflicts of interest and asked the parties to identify any concerns about his appointment as Hearing Officer by October 1, 2005.

The Department received comments from Star Sewer and Water District, the City of Eagle, and Charles W. Meissner, Jr. (“Meissner”). Copies of the comments are attached. In addition, Spackman received a telephone call from Charles Howarth, which was referred to the Department’s Western Regional Office.

Meissner was the only person who expressed concern about Spackman’s appointment. Despite Meissner’s concern about Spackman’s connection to the City of Eagle, Meissner’s concern is not legal cause for disqualification.

ORDER

IT IS HEREBY ORDERED that Gary Spackman is appointed, effective October 3, 2005, to serve as Hearing Officer for the contested case created by protests filed against applications to appropriate water nos. 63-32089 and 63-32090, and is authorized to hear this matter on behalf of the Director of the Idaho Department of Water Resources pursuant to IDAPA Rules 37.01.01.410-413 and the provisions of chapter 52, title 67, Idaho Code.

DATED this 4th day of October, 2005.



KARL J. DREHER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4/12 day of October, 2005, a true and correct copy of the above and foregoing documents described below were served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Order Appointing Hearing Officer,
and attachments as referenced in the Order.

DANA & VIKI PURDY
5926 FLOATING FEATHER
EAGLE ID 83616

JOSEPH & LYNN MOYLE
C/O MICHAEL MOYLE
480 N PLUMMER RD
STAR ID 83669

MICHAEL MCCOLLUM
1290 BUTTERFIELD
SAN ANSELMO CA 94960

MICHAEL HEATH
NANCY HEATH
401 N PALMER LN
EAGLE ID 83616

TIM CHENEY
PO BOX 190027
BOISE ID 83719

JERRY & MARY TAYLOR
3410 HARTLEY
EAGLE ID 83616

CORRIN & TERRY HUTTON
10820 NEW HOPE RD
STAR ID 83669

BOB & ELSIE HANSON
4151 HARTLEY RD
EAGLE ID 83616

UNITED WATER ID INC
C/O SCOTT RHEAD
PO BOX 190420
BOISE ID 83719-0420

SAM & KARI ROSTI
1460 N POLLARD LN
STAR ID 83669

EUGENE MULLER
320 N PALMER LN
EAGLE ID 83616

CHARLES MEISSNER JR
3101 N PALMER
EAGLE ID 83616

CHARLES HOWARTH
C/O GUNNER & MATT HOWARTH
833 N PALMER
EAGLE ID 83616

BILL FLACK
4035 HARTLEY RD
EAGLE ID 83616

RONALD SCHREINER
2153 N POLLARD LN
STAR ID 83669

CITY OF STAR
C/O ROD LINJA
131 SW 5TH AVE STE A
MERIDIAN ID 83642

TONY & BRENDA O'NEIL
1910 N MTN VISTA LN
STAR ID 83669

SCOTT & NANCY REESER
499 N LINDER RD
EAGLE ID 83616

LEEROY & BILLIE MELLIES
6860 W STATE ST
EAGLE ID 83616

RALPH & BARBARA WILDER
7320 W STATE ST
EAGLE ID 83616

DEAN & JAN COMBE
6440 W BEACON LIGHT
EAGLE ID 83616

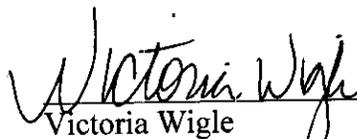
NORMA MARES /
23966 BLESSINGER RD
STAR ID 83669-5016

BRUCE M SMITH
MOORE SMITH BUXTON TURKE
225 N 9TH STE 420
BOISE ID 83702

JULIE K FISCHER
WHITE PETERSON
5700 FRANKLIN RD
NAMPA ID 83687

JERRY A KISER
STOPPELLO & KISER
620 W HAYS
BOISE ID 83702

WESTERN REGION
ATTN JOHN WESTRA
2735 AIRPORT WAY
BOISE ID 83705-5082



Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources

RECEIVED

SEP 30 2005

Department of Water Resources

STOPPELLO & KISER
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAYS STREET
BOISE, IDAHO 83702

FRANK W. STOPPELLO
JERRY A. KISER
F. MATTHEW STOPPELLO

TELEPHONE (208) 336-1020
FACSIMILE (208) 336-1027

September 29, 2005

TRANSMITTED VIA FACSIMILE
TO (208) 287-6700 AND
SENT BY FIRST CLASS MAIL

Gary Spackman
Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: City of Eagle's Applications for
Permits Nos. 63-32089 and 63-32090

Dear Mr. Spackman:

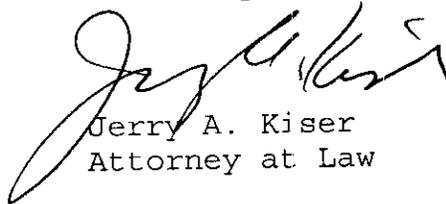
I write as attorney for Star Sewer & Water District in response to your letter dated September 21, 2005 regarding the above-referenced applications for permits. This letter is written to object to the proposed hearing date of December 6-8, 2005. This objection is based on the time which will be necessary for the expert retained by Star Sewer & Water District to review the data and information regarding effects and injury resulting from granting of the proposed permits. Unfortunately, our expert experienced significant delay in getting started on this project due to difficulty obtaining the electronic files for the IDWR groundwater flow model. These files had to be obtained from the expert representing the City of Eagle, who was a former IDWR employee. Additionally, I have requested from Bruce Smith, counsel for the City of Eagle, a copy of the "Eagle Municipally Owned Water Systems Amended Master Plan Volume I, Development Plan and Ownership Documents dated January 2005." This information is necessary to assist the expert hydrologist retained by Star Sewer & Water District in his review and analysis of the proposed permits. The Master Water Plan has not yet been received and it may be necessary to seek an order granting discovery in order to enable Star Sewer & Water District to obtain this information if it is not provided voluntarily by the City of Eagle.

In light of the foregoing, I do not foresee this matter being in a posture for hearing by early December 2005.

Gary Spackman
September 29, 2005
Page Two

In order to assist with scheduling, I am enclosing a calendar of unavailable dates for hearing.

Sincerely,



Jerry A. Kiser
Attorney at Law

JAK:jf

Enclosure

cc: Star Sewer & Water District
Bruce Smith
Thomas Wood
Justin Walker

2006

Jerry Kiser's Unavailable Dates

JANUARY						
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Spackman, Gary

From: Bruce Smith [bms@msbtlaw.com]
Sent: Friday, September 30, 2005 6:37 PM
To: Gary Spackman (gspackma@idwr.state.id.us)
Subject: City of Eagle Applications Nos. 63-32089 and 63-32090/Your Letter of September 21,2005

Gary-Thank you for your letter concerning the possibility of conflicts and hearing dates. The City of Eagle has no problem with your serving as hearing officer. On the issue of hearing dates, since the City requested the December dates, it would continue to support them. There is no reason for extending the hearing beyond the requested dates. Also, the City is planning to do a pump test. I understand the permit for the well for the pump test has not yet been issued but is pending. While the City is certainly willing to consider input on the test, efforts to derail or hinder the test cannot be allowed to undermine the effort. I would note that the City has submitted the plan to the IDWR and solicited its input which should provide sufficient critique of the protocol. Thanks, Bruce Smith

DAVE TUTHILL

RECEIVED

OCT 03 2005

Department of Water Resources

September 27, 2005

Re: City of Eagle applications for permits nos. 63-32089 and 63-32090

Dear Sirs:

In the matter of appointing Gary Spackman as hearing officer in the above matters, I feel that he is too closely connected to the city of Eagle.

I would much rather see someone that was completely unrelated to the subject.

Mr. Spackman may be a fine hearing officer, but on the surface it appears that he is too closely connected both politically and socially to the city of Eagle. I would hope that these matters didn't get embroiled in a conflict of interest.

I highly protest the proposed drilling of a well, for any reason, by the city of Eagle, until the matter of the above mentioned permits is resolved.

Cc: Charles S. Meissner, Mary Taylor

Charles W. Meissner Jr.
3101 N. Palmer Ln.
Eagle, ID 83616



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 21, 2005

Re: City of Eagle's applications for permits nos. 63-32089 and 63-32090

Dear Parties:

My name is Gary Spackman, and I am employed by the Idaho Department of Water Resources (IDWR). Karl Dreher, the Director of IDWR, has asked me to conduct a hearing for the contested case created by protests filed against applications to appropriate water nos. 63-32089 and 63-32090 filed by the City of Eagle. Prior to preparing an order appointing me as a hearing officer and beginning pre-hearing determinations, I have decided to take the unusual step of disclosing to the parties possible conflicts which they should weigh in determining whether they feel there is some cause for my disqualification.

I am a resident of the City of Eagle. I have discussed various water issues with some of the current Eagle City council members. I have not discussed the protested applications with anyone from the City of Eagle, nor have I discussed the proposed development it intends to serve with any city officials.

Because of a request by Roger Madson, Director of the Idaho Department of Commerce and Labor, I spoke to Bruce Blaser, a principal in a business entity that is involved in a proposed development associated with the applications to appropriate water. Mr. Blaser and I only spoke about procedures of IDWR water right processing.

In years past, I served as the Western Regional Manager of IDWR. In that capacity, I have visited with representatives from United Water Idaho about various water issues, including some issues about water delivery in and around the City of Eagle. I have also spoken to some of the protestants about water right matters in the past.

Finally, I am acquainted with some of the protestants because of civic, church, or social contact. My acquaintance with these people has been peripheral, however. None of the protestants are close social contacts of mine.

I do not believe that I have biases that would affect my being a hearing officer for this matter. Some acquaintance with local water problems may be helpful in efficiently gathering and considering the evidence. Nonetheless, if any of the parties are concerned about my residence or previous contacts with any of the other parties, I would appreciate that those concerns be raised at this time.

September 21, 2005
Page 2

Finally, the City of Eagle requested a hearing for the contested cases on December 6 through 8, 2005. The letter requesting the hearing was sent to the department but was not carbon copied to the parties. My understanding is that Western Regional office of IDWR sent a copy of the letter to all the parties. The mailing did not solicit, however, comment or suggestion about the requested hearing dates.

This letter requests that you voice any objection you may have to a hearing on December 6 through 8, 2005. If there are no objections, I will send out a notice of hearing for those dates. In considering whether a hearing can be held in December of 2005, please consider whether there is a need for significant hearing preparation. I understand from IDWR's Western Regional office that the City of Eagle proposes to drill a well and perform a pump test prior to the hearing. I am assuming that the results of the pump test will be submitted into evidence. At a minimum, the parties should have the ability to review the information. I also believe that the plans and specifications for drilling the well should be distributed to all the parties, as well as the plan for conducting the pump test. All parties should have an opportunity to participate in the test and independently gather information and data if they so desire.

Please submit your comments to me regarding possible disqualification and reasonable hearing dates on or before October 1, 2005.

Sincerely,



Gary Spackman

Cc: Western Region

City of Eagle parties as of 9/21/2005

DANA & VIKI PURDY
5926 FLOATING FEATHER
EAGLE ID 83616

JOSEPH & LYNN MOYLE
C/O MICHAEL MOYLE
480 N PLUMMER RD
STAR ID 83669

MICHAEL MCCOLLUM
1290 BUTTERFIELD
SAN ANSELMO CA 94960

MICHAEL HEATH
NANCY HEATH
401 N PALMER LN
EAGLE ID 83616

TIM CHENEY
PO BOX 190027
BOISE ID 83719

BOB & ELSIE HANSON
4151 HARTLEY RD
EAGLE ID 83616

JERRY & MARY TAYLOR
3410 HARTLEY
EAGLE ID 83616

CORRIN HUTTON
TERRY HUTTON
10820 NEW HOPE RD
STAR ID 83669

SAM & KARI ROSTI
1460 N POLLARD LN
STAR ID 83669

EUGENE MULLER
320 N PALMER LN
EAGLE ID 83616

UNITED WATER ID INC
C/O SCOTT RHEAD
PO BOX 190420
BOISE ID 83719-0420

CHARLES HOWARTH
C/O GUNNER & MATT HOWARTH
833 N PALMER
EAGLE ID 83616

BILL FLACK
4035 HARTLEY RD
EAGLE ID 83616

CHARLES MEISSNER JR
3101 N PALMER
EAGLE ID 83616

CITY OF STAR
C/O ROD LINJA
131 SW 5TH AVE STE A
MERIDIAN ID 83642

TONY & BRENDA O'NEIL
1910 N MOUNTAIN VISTA LN
STAR ID 83669

RONALD SCHREINER
2153 N POLLARD LN
STAR ID 83669

RALPH & BARBARA WILDER
7320 W STATE ST
EAGLE ID 83616

DEAN & JAN COMBE
6440 W BEACON LIGHT
EAGLE ID 83616

LEEROY & BILLIE MELLIES
6860 W STATE ST
EAGLE ID 83616

BRUCE SMITH
MOORE SMITH BUXTON TURKE
225 N 9TH STE 420
BOISE ID 83702

JULIE FISCHER
WHITE PETERSON
5700 E FRANKLIN RD STE 200
NAMPA ID 83687

NORMA MARES
23966 BLESSINGER RD
STAR ID 83669-5016

JERRY KISER
STOPPELLO & KISER
620 W HAYS
BOISE ID 83702

SCOTT & NANCY REESER
499 N LINDER RD
EAGLE ID 83616

*25 parties
+ Western Region*

Service List for 9/21/05 letter -