

**STARTING
LEFT
SIDE OF
FILE**

RECEIVE

Application #1

JAN 19 2005

FORM 202
12/99

WATER RESOURCES
WESTERN REGION

Ident. No.

63-32090

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of Applicant City of Eagle Phone (208) 939-6813
Mailing address PO Box 1520 EAGLE, ID 83616
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 4N Range 1W Sec. 10, in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, _____ $\frac{1}{4}$, Govt. Lot _____, B.M., ADA County;
additional points of diversion if any: T.4n, R.1W, S.10, NW $\frac{1}{4}$ of NE $\frac{1}{4}$ and T.4N, R. 1W, S.11, SE $\frac{1}{4}$ of NW $\frac{1}{4}$
4. Water will be used for the following purposes:
 Amount 4.9 cfs for Municipal purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 4.9 _____ and/or (b) _____
 cubic feet per second _____ acre feet per annum _____
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Three public water system wells with line shaft turbine pumps and municipal distribution system
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 16 inches; proposed depth of well is 500 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? _____; Drilling firm _____
 Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. City of Eagle
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

3. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
			CITY OF EAGLE MUNICIPAL SERVICE AREA																	

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

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

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Agreement between developer and City of Eagle to dedicate well

12. Remarks: lot to City of Eagle Municipal Water System.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Nancy Merrill
Signature of Applicant (and title, if applicable)
(MAYOR)

Received by DB Date 1-19-05 Time 3:25 PM Preliminary check by [Signature]

Fee \$ 410-- Received by DB # W032530 Date 1-19-05

Publication prepared by ak Date 4-21-05 Published in _____

Publication approved [Signature] Date 5-6-05 THE IDAHO STATESMAN

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE THREE ALTERNATIVES BELOW

Name of Applicant CITY OF EAGLE

Mailing Address PO BOX 1520
EAGLE ID 83616

Application No. (If known) CITY OF EAGLE APPLICATION NO. 1
Submitted 1/19/05

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

 X **WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY**

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

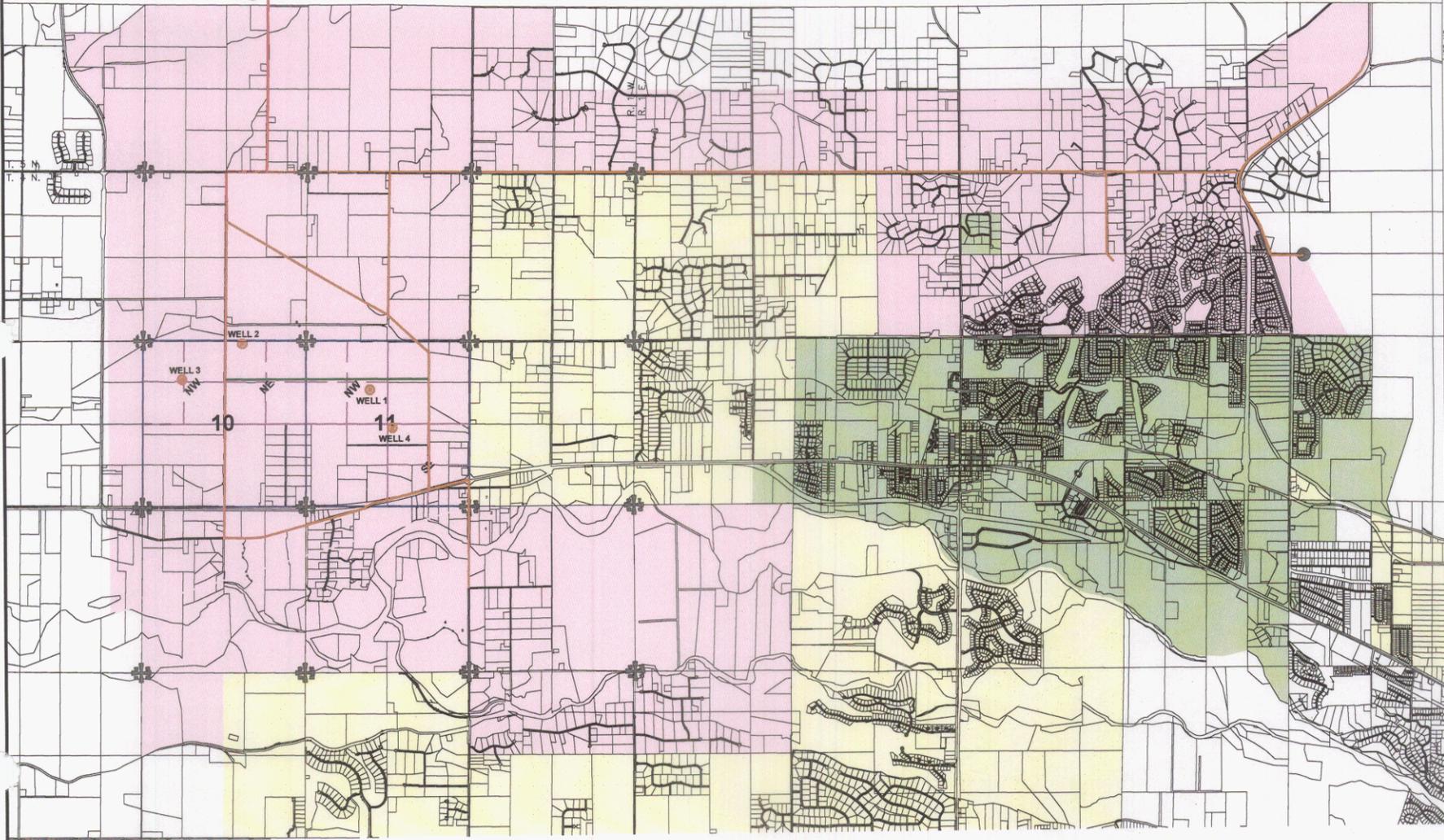
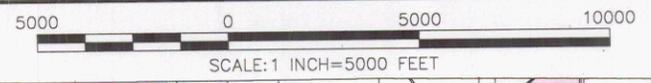
Signature *Nancy E. Merrill*

Date 3/30/05

Please return this form to:

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

Handwritten notes: "L" with an arrow pointing left, "M" with an arrow pointing up, and "H" with an arrow pointing right.



LEGEND

- SERVICE AREAS**
- CITY OF EAGLE
 - UNITED WATER IDAHO
 - EAGLE WATER CO.

- WELL LOCATIONS AND POINTS OF DIVERSION
- SECTION LINE
- QUARTER SECTION LINE
- QUARTER-QUARTER SECTION LINE

- PROPOSED CITY OF EAGLE AMENDED MASTER PLAN DISTRIBUTION SYSTEM**
- 20" WATER LINE
 - 16" WATER LINE
 - 12" WATER LINE

JOB NO: EG 112404
 CAD FILE: EG112404.DWG
 DATE: 3/29/05
 PLOTTED: 3/29/05
 DRAWN BY: JLM
 CHECKED BY: CHD

**CITY OF EAGLE
 WATER RIGHT APPLICATION MAP**

REUSE OF DOCUMENTS
 THIS DOCUMENT AND THE IDEAS
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HOLLADAY ENGINEERING CO.
 ENGINEERS • CONSULTANTS

32 N. MAIN P.O. BOX 235 PAYETTE, ID 83661
 (208) 642-3304 • FAX (208) 642-2159
 EMAIL: holladay@holladayenr.com

APPLICATION MAP LAYOUT

**NOW
STARTING
RIGHT
SIDE OF
FILE**

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 &) ORDER DISMISSING PROTESTS
63-32090 IN THE NAME OF CITY OF)
EAGLE)

On January 19, 2005, the City of Eagle filed with the Idaho Department of Water Resources (IDWR) 2 applications for permit to appropriate the public water of the State of Idaho. The applications were protested by individuals and entities listed on attachment "A."

A prehearing conference was held on July 28, 2005 at the Eagle City Library. Conference notices were sent by the Department to the applicant and protestants on June 9, 2005. Protestants and the applicant appeared at the scheduled conference date and place. Protestants Michael McCollum, Michael Heath, Tim Cheney, Roy Barnett, Bryan & Marie Pecht, Del & Robin Morton, Bob & Elsie Hanson, Tony & Brenda O'Neil, and Frank & Elaine Mosman failed to appear at the conference.

On August 11, 2005, IDWR sent protestants that failed to appear a letter requesting just cause why they did not appear at the prehearing conference. The letter stated that IDWR would consider dismissing their protest if no response was received by September 1, 2005

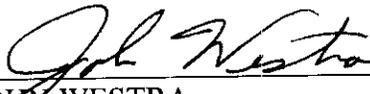
Protestants Mike McCullum, Micheal Heath, Tim Cheney, Bob & Elise Hanson, and Tony & Brenda O'Neil provided IDWR written just cause why they failed to appear at the prehearing conference. To date, protestants Roy Barnett, Bryan & Marie Pecht, Del & Robin Morton, and Frank & Elaine Mosman have failed or refused to respond.

SUPPORT DATA
IN FILE # 63-32089

ORDER

IT IS HEREBY ORDERED protests filed by Roy Barnett, Bryan & Marie Pecht, Del & Robin Morton, Tony & Brenda O'Neil, and Frank & Elaine Mosman against the City of Eagle Applications for Permit #63-32089 & #63-32090 are **DISMISSED**.

Dated this 13th day of September 2005.



JOHN WESTRA

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

**IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 &) ORDER GRANTING INTERVENTION
63-32090 IN THE NAME OF CITY OF)
EAGLE)
_____)**

On January 19, 2005, the City of Eagle filed with the Idaho Department of Water Resources (IDWR) 2 applications for permit to appropriate the public water of the State of Idaho. The applications were protested. A combined application prehearing conference was held on July 28, 2005 at the Eagle City Library for the contested cases.

On July 28, 2005 prior to the prehearing conference, Scott Reeser filed with IDWR a petition to intervene in the contested cases.

On August 10, 2005, IDWR sent the applicant (City of Eagle) a letter asking for opposing motions relating to the Reeser petition to intervene, (IDWR Rules of Procedure-Rule 354). To date, no opposing motions have been received.

CONCLUSIONS

APPLICABLE LEGAL PRINCIPLES

IDAPA 37.01.01.353 (Rule 353) *Granting Petitions to Intervene* states in part:

If a timely-filed petition to intervene show direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues, the presiding officer will grant intervention, subject to reasonable conditions, unless the applicant's interest is adequately represented by existing parties. Mr. Reeser's petition meets this criteria.

SUPPORT DATA

IN FILE # 63-32089

ORDER

IT IS HEREBY ORDERED that Scott Reeser's petition for intervention in the proceedings of Applications for Permit #63-32089 & #63-32090-City of Eagle be granted.

Dated this 13th day of September 2005.



JOHN WESTRA

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of September, 2005, I mailed a true and correct copy, postage prepaid, of these documents to those on the attached list.



Jennifer Grover
Administrative Assistant

Documents Sent

- Order Dismissing Protests
- Order Granting Intervention
- Request for Hearing

Atten: Mr. John Westra
Western Regional Manager

State Department of Water Resources
2735 Airport Way
Boise, ID. 83705
Fax 208-334-2348
Contested applications: #63-32089 & #63-32090

Mr. John Westra,

This letter is in response to the letter we received in the mail dated 8/11/05 concerning failure to appear at a prehearing conference on 7/28/05. I contacted your office on 7/27/05 stating that my husband and I would not be able to attend the conference due to the time of day of the hearing. During the conversation I requested that a consideration be made for those of us who have a work schedule where we are unable to attend during the day but would be able to attend after working hours in the evening. Our person who is to represent us in our absence was unable to attend during that time as well.

We are very much interested in the concerns and responses of the prehearing conferences and any other meetings that will be held concerning the applications indicated. Due to our concern we will certainly try to attend the meetings and/or the person who is listed to come in our place.

Thank you,

Brenda O'Neil
1910 N Mountain Vista Dr
Star, ID. 83669

MOORE SMITH BUXTON & TURCKE, CHARTERED
RECEIVED

ATTORNEYS AND COUNSELORS AT LAW

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

SEP 06 2005

WATER RESOURCES
WESTERN REGION

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

September 2, 2005

John Westra
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83644

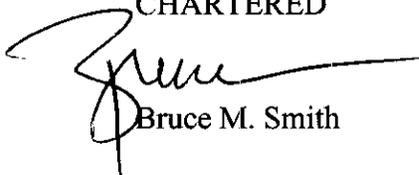
Re: City of Eagle Applications for Permit Nos. 63-32089 and 63-32090

Dear John:

This is a request for a hearing date of December 6-8, 2005. Thank you.

Sincerely,

MOORE SMITH BUXTON & TURCKE
CHARTERED



Bruce M. Smith

BMS:jj

cc: City of Eagle
Vern Brewer
Chris Duncan

August 28, 2005

John Westra, Western Regional Manager
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

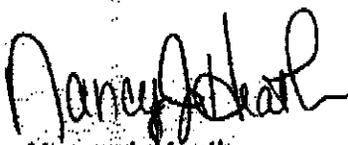
Dear Mr. Westra;

Please reconsider the dismissal of our protest of the City of Eagle applications to appropriate the public water of the State of Idaho. The Contested Applications #63-32089 & #63-32090 still very much affect our water usage on Palmer Lane.

On the scheduled Prehearing Conference date of July 28, 2005, neither my husband nor I could attend. I was taking a class required to enhance and further my position of employment. My husband, Michael D. Heath, could not take the time off from his job at Hewlett-Packard due to a conflicting conference call with a client.

Although I realize our failure to appear at the Prehearing may result in dismissing our protest, please take into consideration the above reasons for not attending. Thank you for reconsidering our protest.

Sincerely,



Nancy J. Heath
401 Palmer Lane
Eagle, ID 83618
(208) 286-7808

CEIVED

AUG 24 2005

WATER RESOURCES
WESTERN REGION

9-22-05

to: Mr. John Westra
FROM: Bob & Elsie Hanson

Re: Failure to Appear Notice - #63-32089 & #63-32090

We are sorry we were unable to appear at the July 28th pre-hearing conference in Eagle.

We run cattle in Boise County at Pioneerville during the summer. During the week of the conference we were moving cattle on our BLM allotment and were unable to get away.

On June 15th we responded to a questionnaire sent by Manuel Raubut and under comments requested that Mrs. Mary Taylor and/or Mr. Bill Fleck represent us if we were unable to attend.

We try to respond to your letters as soon as possible. However, it is after a couple of weeks before any of the family can get away from Ada County to bring our mail to Pioneerville. For example your Failure to Appear Notice arrived yesterday.

Protesting a water right is not something we take lightly and we certainly wish we could have attended the pre-hearing. However, we were confident that Mrs. Taylor and Mr. Fleck would represent our concerns in a satisfactory manner.

We respectfully request that you not dismiss our protest.

Sincerely,

Bob Hanson Elsie Hanson

IMPORTANT MESSAGE
FOR Sohn
DATE 8/22/05 TIME 4:00 PM

WHILE YOU WERE OUT

M Mike McAllen
OF Eagle City Protest
PHONE NO. 415-747-6882

TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH

RETURNED YOUR CALL

MESSAGE
Says he was at the meeting regarding the protest but never signed in. He says to call Mayor Nancy Merrill, she will
SIGNED Vauche for his attendance

OfficeMax
OM97795



TREASURE VALLEY TURF, INC.

P.O. Box 190027

Boise, ID 83719

RECEIVED

AUG 18 2005

WATER RESOURCES
WESTERN REGION

Phone: (208) 323-2333
Fax: (208) 323-0140

8-16/05 286 0254

IDWR

John Westra

Western Regional Manager

Dear Sir,

In answer to your letter dated 8/11/05 concerning my failure to attend the Pre-hearing conference July 28 05 concerning Applications #63-32089 + #63 32090, ~~in~~ On July 28, 05 I was attending a business meeting in Park City Utah, of the Turf Producers International Organization, of which I am a member. This meeting was scheduled in February of 05.

In reading the materials your office sent me announcing the meeting, ~~nowhere~~ I can find no reference that states the Pre-hearing conference is mandatory to protect my rights to protest these applications while I failed to appear, my business ^(hand held) partner and Land owner Bill Fleck, 4035 Hartley Rd, Eagle ID was in attendance + has informed me of the content of the meeting. Please add Bill Fleck as my representative in all matters pertaining to these applications

Sincerely

Tim Cheney
Tim Cheney - Owner
Treasure Valley Turf



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

August 10, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Bruce Smith/Tammy Zokan
Moore Smith Buxton Turcke
225 N 9th ST Ste 420
Boise ID 83702

**RE: Applications for Permit #63-32089 & #63-32090- City of Eagle
Petition to Intervene**

Dear Mr. Smith, Ms. Zokan:

Attached is a petition to intervene from Scott Reeser. The petition was filed with the Department on July 28, 2005 just prior to the prehearing conference for the applications described above. Pursuant to the Department's Rules of Procedure IDAPA 37.01.01.354 (Rule 354) parties opposing a petition for intervention must file an opposition (objection) motion. The motion must be served on parties of record and the person petitioning to intervene.

The Department will consider motions for the petition to intervene until **August 25, 2005**.

Should you have any questions, please contact me at the Western Regional Office, phone 34-2190.

Sincerely,

John Westra, Manager
Western Regional Office

cc: S Reeser



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

August 7, 2005

Bruce Smith
Moore Buxton Smith Buxton & Turcke
225 N 9th Street Suite 420
Boise ID 83702

**RE: Applications for Permit #63-32089 & #63-32090- City of Eagle
Request of Hearing**

Dear Mr. Smith:

This letter is to acknowledge receipt of your 9/2/05 letter requesting a hearing in early December 2005 for the above described contested applications. I have forwarded your request to the Department Administration for appointment of a hearing officer and facilitation of arrangements.

Should you have questions, please contact me at the Western Regional Office, phone 334-2190

Sincerely,

John Westra, Manager
Western Region

cc: Protestants

J. Fischer, White-Peterson

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

John Westra
Regional Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Dear Mr. Westra,

As a result of our phone conversation on July 26th this letter is a formal petition to intervene into the process in the case of Well Applications #633089 and #633090 for the following reasons:

- 1) I was not aware of the Public Notices provided in the Idaho Statesman for Well Applications that have been submitted for Eagle Field Estates or Legacy Subdivisions.
- 2) The well in operation on my residential property located at 499 N Linder Rd, in Eagle is currently only 60 feet deep. I believe that when the (5) 500 foot wells are installed for Legacy and Eagle Field Estates Subdivisions, I will lose valuable, available water level, eventually rendering my well useless. In recent months, I have noticed a severe decrease in available water pressure from my well apparently due to other wells recently installed in the area drawing down the available water level.
- 3) United Water has refused to provide service to the west side of Linder Road even though a water main is located 50 feet from and directly in front of my home.
- 4) With the new wells installed and the fact that I cannot get service from United Water, I will be forced to have my well drilled to a new unknown depth. This will cause a financial burden on my family for which we are not prepared to absorb.

Mr. Westra, due to the reasons mentioned above, I humbly request that my petition to be an intervener in the process of Well Applications #633089 and #633090 be approved.

Sincerely,
Scott Reeser
208-695-8587

*Hand delivered to J. Westra ^{JRW}
7/28/05 prior to prehearing conference.*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 11, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

To Protestants:

Michael McCollum
Michael Heath
Tim Cheney
Roy Barnett
Bryan & Marie Pecht
Del & Robin Morton
Bob & Elsie Hanson
Tony & Brenda O'Neil
Frank & Elaine Mosman

RE: Failure to Appear-Prehearing Conference

Contested Applications #63-32089 & #63-32090- City of Eagle
July 28, 2005 at the Eagle Library

Dear Protestant:

Attached is a Failure to Appear Notice regarding the prehearing protest conference for the above referenced contested applications for the City of Eagle. Our attendance records indicate you were not in attendance at the conference held on July 28, 2005. Please submit to the Department in writing just cause why you failed to appear. If you attended the conference and did not sign in; please also submit a written statement confirming your presence. The Department will consider dismissing your protest if no response is received by **September 1, 2005**.

Should you have any questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra
Western Regional Manager

cc: T. Zokan

Enclosure: Failure to Appear Notice, Attachment-A

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOs. 63-32089 &)
63-32090 IN THE NAME OF CITY OF)
EAGLE)
_____)**

**NOTICE OF FAILURE TO APPEAR
AT PREHEARING PROTEST
CONFERENCE**

On January 19, 2005, the City of Eagle filed with the Idaho Department of Water Resources (IDWR) 2 applications for permit to appropriate the public water of the State of Idaho. The applications were protested by individuals and entities listed on attachment "A." A prehearing conference was held on July 28, 2005 at the Eagle City Library. Conference notices were sent by the Department to the applicant and protestants on June 9, 2005. Protestants and the applicant appeared at the scheduled conference date and place. Protestants Michael McCollum, Michael Heath, Tim Cheney, Roy Barnett, Bryan & Marie Pecht, Del & Robin Morton, Bob & Elsie Hanson, Tony & Brenda O'Neil, and Frank & Elaine Mosman failed to appear at the conference.

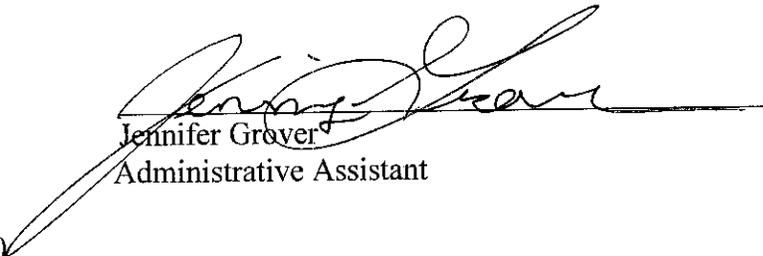
Dated this 11 day of August 2005.



JOHN WESTRA

CERTIFICATE OF MAILING

I hereby certify that on this 11th day of August 2005 I mailed a true and correct copy, postage prepaid, of this Notice of Prehearing Conference to those on the attached list.


Jennifer Grover
Administrative Assistant

MICHAEL MCCOLLUM
1290 BUTTERFIELD
SAN ANSELMO CA 94960

MICHAEL HEATH
401 N PALMER LN
EAGLE ID 83616

TIM CHENEY
PO BOX 190027
BOISE ID 83719

ROY BARNETT
188 S YOUNG LN
EAGLE ID 83616

BRYAN & MARIE PECHT
10090 W FLOATING FEATHER RD
STAR ID 83669

DEL & ROBIN MORTON
6814 W BEACON LIGHT RD
EAGLE ID 83616

BOB & ELISE HANSON
4151 HARTLEY RD
EAGLE ID 83616

TONY & BRENDA ONEAL
1910 N MOUNTAIN VISTA LN
STAR ID 83669

FRANK & ELAINE MOSMAN
570 HWY 16
EAGLE ID 83616

PROTESTANTS OF CITY OF EAGLE
63-32089 AND 63-32090
BOTH APPLICATIONS

JERRY &/or MARY TAYLOR
 3410 HARTLEY
 EAGLE ID 83616
 286-7575

SAM & KARI ROSTI
 1460 N POLLARD LN
 STAR ID 83669
 286-7685

DANA & VIKI PURDY
 5926 FLOATING FEATHER RD
 EAGLE ID 83616
 286-9701

BRYAN & MARIE PECHT
 10090 W FLOATING FEATHER RD
 STAR ID 83669
 286-9511

EUGENE MULLER
 C/O MARY TAYLOR
 320 N PALMER LN
 EAGLE ID 83616
 286-7369

JOSEPH & LYNN MOYLE
 C/O MICHAEL MOYLE
 480 N PLUMMER RD
 STAR ID 83669
 870-6667

DEL & ROBYN MORTON
 6814 W BEACON LIGHT RD
 EAGLE ID 83616
 286-9589

CHARLES W MEISSNER JR
 3101 N PALMER
 EAGLE ID 83616
 866-8688

MICHAEL MCCOLLUM
 1290 BUTTERFIELD
 SAN ANSELMO CA 94960
 415-453-2339

CORRIN H HUTTON
 TERRY HUTTON
 10820 NEW HOPE RD
 STAR ID 83669
 286-7752

CHARLES HOWARTH
 C/O GUNNAR & MATT HOWARTH
 833 N PALMER
 EAGLE ID 83616
 286-9760

MICHAEL HEATH
 NANCY HEATH
 401 N PALMER LN
 EAGLE ID 83616
 286-7808

BOB & ELSIE HANSON
 4151 HARTLEY RD
 EAGLE ID 83616
 286-7596

BILL FLACK
 4035 HARTLEY RD
 EAGLE ID 83616
 289-7392

TIM CHENEY
 PO BOX 190027
 BOISE ID 83719
 323-2333

MIKE DIXON
 RT 1 2650 WING RD
 STAR ID 83669
 484-5528

SCHREINER, RONALD
 2153 N POLLARD LN
 STAR ID 83669
 286-7028 870-2956

ROY BARNETT
 88 S YOUNG LN
 EAGLE ID 83616
 990-4525

TONY & BRENDA O'NEAL
 1910 N MOUNTAIN VISTA LN
 STAR ID 83669
 286-7427

CITY OF STAR
 C/O ROD LINJA
 131 SW 5TH AVE STE A
 MERIDIAN ID 83642
 288-1992

STAR SEWER & WATER
 TIM KELLER/JUSTIN WALKER
 31 SW 5TH AVE STE A
 MERIDIAN ID 83642
 88-1992

UNITED WATER ID INC
 C/O SCOTT RHEAD
 PO BOX 190420
 BOISE ID 83719-0420
 362-7325

63-32089 PROTESTANTS ONLY
 FRANK & ELAINE MOSMAN
 570 HWY 16 EAGLE, ID 83616
 286-7312

63-32090 PROTESTANTS ONLY

LEEROY & BILLIE MELLIES
 6860 W STATE ST
 EAGLE, ID 83616
 286-7257

DEAN & JAN COMBE
 6440 W BEACON LIGHT RD
 EAGLE, ID 83616
 286-7174

NORMA MARES/MARY TAYLOR
 23966 BLESSINGER RD
 STAR, ID 83669-5016
 286-7757

RALPH & BARBARA WILDER
 7320 W STATE ST
 EAGLE, ID 83616
 286-7536

RECEIVED

JUL 14 2005

WATER RESOURCES
WESTERN REGION

July 13, 2005

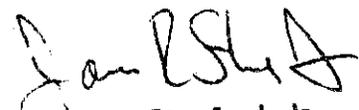
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082
Attn: John Westra, Manger

RE: Protest -City of Eagle Applications for Permit #63-32089 & 32090

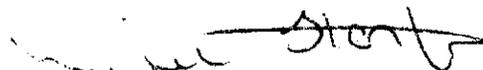
Please be advised that the undersigned agree to be alternate spokespersons/contacts for the above case proceedings in the event that either Tony or Brenda O'Neil can not be present or attend such appointments.

Should you have any questions, please do not hesitate to contact us.

Sincerely,



James R. Stanford, Jr.
1876 N. Mountain Vista Ln.
Star, ID 83669
(208) 286-9119



Michele E. Stanford

cc: Tony & Brenda O'Neil

United Water



United Water Idaho Inc.
8248 W. Victory Road
P.O. Box 190420
Boise, ID 83709
telephone 208 362 7300
facsimile 208 362 3858

August 8, 2005

RECEIVED

AUG 10 2005

WATER RESOURCES
WESTERN REGION

Mr. Michael Moyle
480 N. Plummer Rd.
Star, ID 83669

RE: Redwood Creek well

Dear Mr. Moyle:

The purpose of this letter is to address your comments regarding the well construction of United Water Idaho's Redwood Creek well, expressed during the recent pre-hearing conference for the City of Eagle's new Applications for Permit.

We share your concern that aquifer pressures are maintained. The Redwood Creek well was designed to meet the standards of the Idaho Department of Water Resources for a municipal well. It is completed with an annular seal extending from ground level to a depth of 265 feet below ground.

If you have specific questions regarding the construction of the Redwood Creek well we would be glad to talk about them with you. I can be reached at 362-7358.

Sincerely

Roger Dittus, P.G.
Hydrogeologist

Cc: Scott Rhead, UWID, Managing Engineer
John Westra, IDWR, Western Regional Manager

Pre-hearing Conference Notes

City of Eagle—#63-32089 & #63-32090

From: J. Westra, M Rauhut

Date: 7/28/05

Attendance: see attached sheets

Location: Eagle Library

The conference opened with the **protestants** presenting the following concerns:

Muller-comingling of water aquifers, upper aquifers not cased out from wells

Howath-comingling of aquifers, new wells should not take water above the 500 ft level.
wells should be conditioned for construction.

Moyle- comingling of aquifers, mining of water & sending the water out of the service area.
surface water should be utilized for fire protection—ponds.
too large an amount—justify, What is the Department doing about existing comingled
aquifer wells?

C. Meissner- his well 280 ft, sees drop in aquifer already from development, sending water away

Hutton- concerns about drying up existing well.

Mellis-concerns about the number of lawns, stress on aquifer

Rosti-development stress on water supply, need more research/information on the area, fire
protection use surface water, artesian flows lost.

Flack-Integrity of wells lost by this application, concerned about the amount of service area

Taylor- property rights of citizens, significant change in use-recharge issues, too large a project.

City of Star-conflicts with local public interest. intended to be served by Star, use surface water
for fire protection, consider other provider for fire protection.

Star Sewer- access to land, foreseeable needs of development not adequate

United Water- Future annexations, injury to their wells, too many water suppliers in the area
Master plan/area of impact what is it. concerns about use of ground water for fire

Mike Dixon/Julie Fischer—irrigation wells on his farm could be affected, surface water is
available use it first.

Purdy- dairy farm concerns about impacts being within the wells radius

Wilder-Losing water rights, decreases in artesian flow, ponds in the new development-impact

Combe- need to guarantee on well level, business in her home.

Applicant's Presentation--

Cris Duncan, Vern Brewer

- Master water plan has been developed for the city.
based on Treasure Valley Ground Water Study
- surface water will remain for irrigation where available
- 2000 residential 1700 outside, metered system
- 1 hr. peak- 2.23 cfs
average- .84 cfs
peak-1.40 cfs
fire flow-8.91 cfs
- Will be looking at testing as project progresses
- Use of water tank later in the system for fire protection.
- Plans will be refined as development is proposed
- well construction will be conditioned by state- depth-aquifer

Questions:

- What will be done with existing wells & water rights? sell off?
- Overlap of Municipal & existing ground water irrigation rights?
- What about shoulder periods when surface water is not available?

IDWR—We discussed following—see handout:

- state does not guarantee a pumping level
- well permits are conditioned
- processing applications—evaluation criteria
- do not allow wells to commingle all aquifers—did allow years back-
doing nothing on existing wells at present.
- tried to address overlap of water rights, state only allows .02 cfs/acre.

Comments:

During the agenda discussion period-the group had difficulty staying on the subject
Was not successful in arguments concerning overlap of water rights & municipal
Developed a summary of issues and several solution approaches—good, see summary
No resolution of any of the protests
Adjourned at 12:00 PM

Summary of Protestants Concerns/Issues

City of Eagle Applications #63-32089 & #63-32090

City of Eagle Prehearing Conference

7/28/05

-Injury to existing Wells

Loss of water supply-large additional volume

Artesian pressure drop

Drop in aquifer levels

Mitigation

-Water should stay in the service area—not be routed away

-How and Who will monitor the project effects

-Commingling of aquifers, well construction depths

-Use Surface water for fire protection

-Exchange of existing water rights-stacking with Municipal

-Private Citizen's rights—impacts from water development

-Change in the area ground water recharge

Possible Resolutions

-Transfer/Change existing Water Rights vs. New Appropriations

-Use existing area water systems/suppliers

-Withdraw one application, amend the other for reduced flow

Eagle Conference
Eagle Library.

July 28th, 2005

63-32090
App. # 63-32089

Print Name	Representing	Phone
Vern Brewer	City of Eagle	642-3304
CHRIS DUNCAN	CITY OF EAGLE	642-3304
CHARLES HOWARTH	SELF	286-9764
Mike Moyle	Moyles	286-7842
TAMMY ZOLCAN	City of Eagle	331-1800
Eugene Mueller	SELF	286-7369
Julie Fischer	Hoot Nanny Farms	466-9272
JJ Saylor	SELF	284-1089
GENE HARDING	SELF	440-6949
Conin Hutter	Self	286-7752
Jerry A. Kiser	Star Sewer & Water	336-1020
Danay Merrill	City of Eagle	939-6813
Peter Harris	HARRIS HOMES	939-4310
NATE MITCHELL	City of Star	286-7247
Cheryl W. Meissner J.	Myself	866-8688
Charles S. Meissner	CHARLES W. MEISSNER JR.	859-4256
Lynne Sedlaeck	CITY OF EAGLE	939-6219
Bilbe Melvin	Self	286-7257
Lynn Miller	Self	286-7257
Ron Schreiner	Self	286-7828
W. J. Henderson	Self	286-7070
Roger Dittus	United Water	362-7358
Scott Rheta	"	362-7345
John Miller	Collectors	871-0546
John Miller	Star Sewer & Water ^{will speak}	
Tom Wood	Clearwater Geoscan	589-5555
Justin Walker	Star Sewer & Water (Keller Associates)	286-1992

Print Name	Representative	Phone
NORMA MAKES	MARY TAYLOR	286-7757
Jim Keller	Keller Assoc.	288-7992
T. J. Angstman	Eaglefield, LLC	384-0588
Conor Robbins	Signature Sports	941-7259
Terry Scoulan	Eaglefield	383-4140
Mike McCurry	Eagle City	859-8214
Sam & Karl Rosti	Sam	286-7685
Bill & June Flock	Bill	286-7392
Mike Hormaechea		336-2200
Scott & Nancy Reaser		939-7012
Vicki Purdy	Vicki	286-9701
Barbara Wilder		286-7536
Jordan Jones		866-0281
Jan Corbett		286-7174
Mary Taylor	Mary	286-7575

Not on Roster

X - present.

PROTESTS OF CITY OF EAGLE
63-32089 AND 63-32090
BOTH APPLICATIONS

JERRY &/or MARY TAYLOR
3410 HARTLEY
EAGLE ID 83616 X
286-7575

SAM & KARI ROSTI X
1460 N POLLARD LN
STAR ID 83669
286-7685

DANA & VIKI PURDY X
5926 FLOATING FEATHER RD
EAGLE ID 83616
286-9701

BRYAN & MARIE PECHT
10090 W FLOATING FEATHER RD
STAR ID 83669
286-9511

EUGENE MULLER X Speak.
C/O MARY TAYLOR
320 N PALMER LN
EAGLE ID 83616
286-7369

~~JOSEPH & LYNN MOYLE~~ X
~~C/O MICHAEL MOYLE~~
~~480 N PLUMMER RD~~
~~STAR ID 83669~~
~~870-6667~~

DEL & ROBYN MORTON
6814 W BEACON LIGHT RD
EAGLE ID 83616
286-9589

CHARLES W MEISSNER JR X
3101 N PALMER
EAGLE ID 83616
866-8688

MICHAEL MCCOLLUM
1290 BUTTERFIELD
SAN ANSELMO CA 94960
415-453-2339

CORRIN H HUTTON X
TERRY HUTTON
10820 NEW HOPE RD
STAR ID 83669
286-7752

CHARLES HOWARTH X
C/O GUNNAR & MATT HOWARTH
833 N PALMER
EAGLE ID 83616
286-9760

MICHAEL HEATH
NANCY HEATH
401 N PALMER LN
EAGLE ID 83616
286-7808

BOB & ELSIE HANSON
4151 HARTLEY RD
EAGLE ID 83616
286-7596

BILL FLACK X
4035 HARTLEY RD
EAGLE ID 83616
289-7392

TIM CHENEY
PO BOX 190027
BOISE ID 83719
323-2333

MIKE DIXON X
RT 1 2650 WING RD
STAR ID 83669
484-5528

SCHREINER, RONALD
2153 N POLLARD LN
STAR ID 83669
286-7028 870-2956

ROY BARNETT
188 S YOUNG LN
EAGLE ID 83616
890-4525

TONY & BRENDA O'NEAL
1910 N MOUNTAIN VISTA LN
STAR ID 83669
286-7427

CITY OF STAR X
C/O ROD LINJA
131 SW 5TH AVE STE A
MERIDIAN ID 83642
288-1992

STAR SEWER & WATER
JIM KELLER/JUSTIN WALKER X
131 SW 5TH AVE STE A
MERIDIAN ID 83642
288-1992

UNITED WATER ID INC X
C/O SCOTT RHEAD
PO BOX 190420
BOISE ID 83719-0420
362-7325

63-32089 PROTESTANTS ONLY

FRANK & ELAINE MOSMAN
570 HWY 16 EAGLE, ID 83616
286-7312

63-32090 PROTESTANTS ONLY

LEEROY & BILLIE MELLIES X
6860 W STATE ST
EAGLE, ID 83616
286-7257

DEAN & JAN COMBE X
6440 W BEACON LIGHT RD
EAGLE, ID 83616
286-7174

NORMA MARES/MARY TAYLOR X
23966 BLESSINGER RD
STAR, ID 83669-5016
286-7757

RALPH & BARBARA WILDER
7320 W STATE ST
EAGLE, ID 83616
286-7536

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JUL 27 2005

WATER RESOURCES
WESTERN REGION

Jerry A. Kiser
STOPPELLO & KISER
ATTORNEYS AT LAW
620 West Hays Street
Boise, Idaho 83702
Telephone: (208) 336-1020
Facsimile: (208) 336-1027
Idaho State Bar No. 3719

Attorneys for Star Sewer & Water District

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

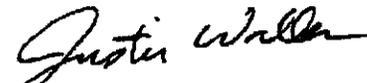
TO: The Idaho Department of Water Resources
and all interested parties.

PLEASE TAKE NOTICE THAT KELLER & ASSOCIATES no longer
represents the Star Sewer & Water District in the above-entitled
matter, and the STAR SEWER & WATER DISTRICT is now represented by
JERRY A. KISER of the firm STOPPELLO & KISER ATTORNEYS AT LAW.
All future notices, pleadings, or documents in this matter should
be directed to JERRY A. KISER of the firm STOPPELLO & KISER
ATTORNEYS AT LAW, 620 W. Hays Street, Boise, Idaho, 83702.

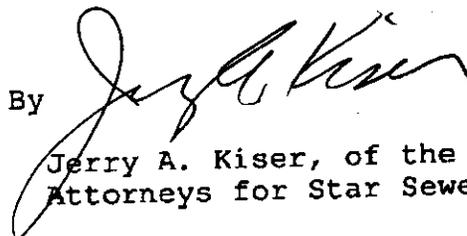
NOTICE OF SUBSTITUTION
OF REPRESENTATIVE - 1.

DATED this 26th day of July, 2005.

KELLER & ASSOCIATES

By 
Justin Walker

STOPPELLO & KISER
ATTORNEYS AT LAW

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

NOTICE OF SUBSTITUTION
OF REPRESENTATIVE - 2.

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

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

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

Michael McCollum
1290 Butterfield
San Anselmo, CA 94960

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

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

Boy Barnett
188 S. Young Lane
Eagle, ID 83616

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

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

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

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

Bob and Elsie Hanson
4151 Hartley Road
Eagle, ID 83616

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

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

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

Sam and Kari Rosti
1460 N. Pollard Lane
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

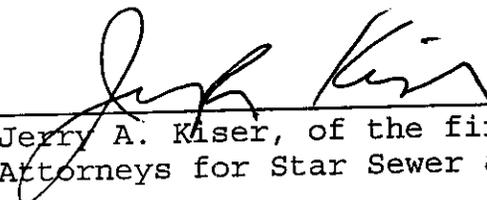
Bruce Smith
Moore, Smith, Buxton, Turcke
225 N. 9th Street, Suite 420
Boise, ID 83702

Chris Duncan
Holladay Engineers
32 N. Main
P.O. Box 235
Payette, ID 83661

City of Eagle
P.O. Box 1520
Eagle, ID 83616

DATED this 26 day of July, 2005.

STOPPELLO & KISER
ATTORNEYS AT LAW

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

Agenda

Prehearing Conference - City of Eagle

9:00 Am July 28th, 2005 at Eagle Library

Sign in and pick up package (Spreadsheet summary of protestants, agenda, map of proposed wells and protestant's wells, 6 criteria handout)

9:00 AM: Opening Remarks – 5 minutes

- Rules for conduct
- Meeting outline

9:05 AM: Protestants (2 min each) – 1 hour

- Address their concerns
- Suggestions to resolve the issues

If protestant's concern are mostly similar in nature encourage the following protestants to add to previous concerns.

10:05 AM: Departments Role: (15 minutes)

- Things we can do
- Things we cannot do
- Review 6 criteria handout
- Questions

10:20 AM: Break (10 minutes)

10:30 AM: Applicant Presentations (30 minutes)

11:00 AM: Discussion (20 minutes)

11:20 AM: Settlement options (30 minutes)

11:50 AM: Specific Dates and Deadlines



"Our chances are looking better."

PRE-HEARING CONFERENCE

City of Eagle Applications for Permit

Pre-hearing Conference Purpose:

- Formulate/simplify the issues
- Discuss settlements, make settlement offers
- Address matters that may expedite conduct of the preceding or settlement
- Schedule hearings, discovery

Criteria for Department approval/denial of an Application for Permit

- Will the proposed use cause injury to existing Water Rights
- Is the proposed water source sufficient for the intended purposes
- Is the application made in good faith, or for speculation or delay
- Will the application conflict with local public interest.
- Is the proposed use be contrary to conservation of water resources in the state.

Ground Water Appropriations-Department

Things we can do:

- Condition well construction
- Condition permits to appropriate water—Acknowledge agreements.
- Enforcement for illegal diversions, violations of water right conditions.
- Regulate ground water if an area has been designated a water district by the Department Director—Eastern Idaho.

Things we can not do:

- Guarantee a ground water pumping level, a reasonable pumping level can be established by the Director
- Dictate whether a residential subdivision has a community well or individual domestic wells. This is a decision by local zoning, agencies and the developer.

Normally Civil Issues

- Trespass/right-of-way issues relating to water
- New domestic wells (number) effecting older wells—“My well has dried up”
- Wells with recorded water rights impacting existing domestic wells.

Hearing

- If a settlement of the protests can not be accomplished, the next step in the process is a hearing. A hearing officer is appointed by the Department.
- The applicant and protestant will prepare a case to the hearing officer.
- A decision is prepared by the hearing officer.

**PRE-HEARING CONFERENCE
City of Eagle Applications for Permit #63-32089/32090**

Name	Tag #	Well Location	Well Depth	Pumping Level	Year drilled	Water right number	Additional Comments	Reason for Protest	Representatives	Additional Parties	Resolution
Barrett, Roy		No Log found						Injury to wells			Deny app.
Cheney, Tim		No Log found						Injury to well moratorium area Ag -> municipal POD vs. POU Illegal seizure of WR	Casey Taylor		Deny app. Compl withdrawal of application Guarantee financial compensation if injured
City of Star								Injury to wells	Keller Assoc. Inc		
Combe, Dean & Jan								Injury to well Injury to WR			
Dixon, Michael		No Log found	65, 70, 200	40, 40, 100	1958, 1974, 2003		Hoot Nanny Farms	Injury to well Injury to aquifer injury to farm	Mike Dixon or Tery White		No municipal wells
Flack, Bill (5 wells)	NA	4N 1W S3,4 5N 1W S34/35	355, 78, 80, 90, ?	120, 60, ?, 65, ?	40s-90s	63-3234 63-11720	5 wells, details in file				
Flack, Bill & June								Injury to WR Injury to aquifer			condition to protect existing rights & aquifer; keep water on land
Hanson, Bob & Elsie		5N 1W S34 SW NE No log found	85		1910	63-18316	Mary Taylor or Bill Flack will speak for them if not able to be at meeting	Injury to well			more study

**PRE-HEARING CONFERENCE
City of Eagle Applications for Permit #63-32089/32090**

Name	Tag #	Well Location	Well Depth	Pumping Level	Year drilled	Water right number	Additional Comments	Reason for Protest	Representatives	Additional Parties	Resolution
Heath, Michael		Par #7000 of SW4 Sec 10 1W #341000-R No log found	194	Artesian	1929	63-184-14		Injury to WR	Nancy Heath		more info
Howarth, C. H.		4N 1W S10 NE SW					Called 7/20 about meeting at City Hall in Eagle	Threat to existing WR			no threat to aquifer
Hutton, Corrin	25194	4N 1W S5	115	114	2002			Injury to well			deny app.
Mares, Norma		No Log found						Injury to wells, property value, and occupations			deny app.
Mares, Palemon & Norma	NA	4N 2W S1 NWNW No log found	220		1987	63-10915	NA				
McCollum, Michael		No Log found						Injury to aquifer decrease in Land value			POD should be POU
Meissner, Charles Jr.		No Log found							Charles Meissner		Deny app no more wells
Mellies, LeeRoy & Billie	NA	4N 1W S10 No log found	147	Artesian	1966	63-17644		Injury to well Injury to Property Value			Deny app.
Morton, Robyn & Del		No Log found						Injury to well Injury to aquifer			Deny app.
Mosman, Frank & Elaine		No Log found									
Moyle, Joseph & Lynn		4N 1W S9	300		1881-1944	63-2609B		Injury to well Injury to aquifer	Michael Moyle		Deny app.

PRE-HEARING CONFERENCE
City of Eagle Applications for Permit #63-32089/32090

Name	Tag #	Well Location	Well Depth	Pumping Level	Year drilled	Water right number	Additional Comments	Reason for Protest	Representatives	Additional Parties	Resolution
Muller, Eugene		4N 1W S10	250	Artesian	1970?		When drilled well produced 285gpm	Injury to well	Mary Taylor		Guarantee well flow; drill to deeper aquifer
O'Neil, Tony and Brenda								Ordinance # 479			Deny app.
Pecht, Marie		No Log found						Injury to well			Deny app.
Purdy, V. & Dana		4N 1W S2 No log found	250, 90		1900, 1952	63-15680, 63-2920		Injury to livelihood to well			Deny app.
Rosti, Sam & Kari		4N 1W S4 & 9 No log found	445, 255	2.92cfs, 0.04 cfs	1992, 1897	63-11715, 63-15636		Injury to WR			Deny app. Or deny app. Or compensate if wells injured
Schreiner, Ronald		4N 1W S4	98, 148, artesian		1958, 1980, 1954		Supplied all well logs	Injury to wells			Complete withdrawal of application
Star Sewer and Water District		4N 1W S8 SESW 4N 1W S8 SWNW	191 565	115ft @450gpm unknown	1997 1995	63-12370 63-12100	see letter	Injury to wells	Keller Assoc. Inc		Deny app. Restrict private vs public
Taylor, Jerry & Mary		No Log found						Injury to well			
United Water of Idaho	NA	4N 1E S7 SWNW	415	65	1994	63-12192 63-11878	NA	Code 42-203A(5)/need more info	Scott Rhead, P. E.		
Wilder, Ralph & Barbara		No Log found						Injury to well Injury to WR Injury to aquifer			deny app.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 63-32090

Comments:

1. scurtis 3/29/2005 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.

Municipal use is for applicants service area

Water bearing zone to be appropriated is from 250 to 500 feet.

2. Igraves 4/5/2005 Comment/Analysis

Comment: The city of Eagle wishes to provide for growth west of the city that has been recently annexed or is seeking annexation. The city plans to implement a water system master plan that encompasses four phases to be implemented within a 20 year planning horizon. Planned construction of the first phase, aka block 1, is anticipated to begin in 2005. Block 1 will require 8.9 cfs, which includes 6.68 cfs for a 3-hour emergency fire flow demand required under DEQ public drinking water system rules and a 1-hour peak demand of 2.23 cfs based on 2000 residential customer unit connections. The city plans to have block 1 completed within the next five years and has filed two applications to cover the municipal water needs; one for 4.9 cfs listing three proposed well sites and the second for 4.0 cfs listing the same three proposed well sites plus one more for a total of four proposed well sites. The reason for two applications is that the city does not have an access agreement for the fourth uncommon well site listed on the second application. Since time is of essence, the city did not want to be delayed on beginning construction of the three wells listed on application one for which they do have access agreements.

Additional information was requested from the applicants consultant via a letter dated 2/8/2005. Included in that letter was a request for large diversion information because the two applications represent a common system and when combined exceed 5.0 cfs. The requested information was provided in report form located in each application file. Eagles Municipally Owned Water System Amended Master Plan is available at Holladay Engineering, c/o Chris Duncan. Other rights for the city include 63-9331, 63-11413 and 63-12448 for municipal use totaling 6.45 cfs. They also have storage right 63-12017 for aesthetic, recreation, wildlife storage uses for ponds in Lexington Hills and Trail Creek Subdivisions. No other rights are used. As confirmed in the submitted reports, the proposals are for additional water to be beneficially used within the five year requested development period. Please note that information in the reports (paragraph 4, page 2) indicates that the city plans to construct a water storage system as revenues become available, which will then take care of the peak fire flow requirements. If this occurs, the city plans to use the surplus capacity to meet growing daily use requirements as urbanized development continues within the city service area.

Comments were submitted by DEQ prior to advertising and are located in the files.

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 63-32089

WATER RIGHT NUMBER: 63-32089

<u>Owner Type</u>	<u>Name and Address</u>
Representative	HOLLADAY ENGINEERING CO CHRIS DUNCAN PO BOX 235 PAYETTE, ID 83661 (208)642-3304

Current Owner	CITY OF EAGLE PO BOX 1520 EAGLE, ID 83616 (208)939-6813
---------------	--

Priority Date: 01/19/2005

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	4.000 CFS	
	<u>Total Diversion:</u>	4.000 CFS	

Location of Point(s) of Diversion

GROUND WATER ADA County	NW1/4SE1/4	Sec. 11, Twp 04N, Rge 01W, B.M.
GROUND WATER ADA County	NW1/4NE1/4	Sec. 10, Twp 04N, Rge 01W, B.M.
GROUND WATER ADA County	SE1/4NW1/4	Sec. 11, Twp 04N, Rge 01W, B.M.
GROUND WATER ADA County	NW1/4NW1/4	Sec. 10, Twp 04N, Rge 01W, B.M.
GROUND WATER ADA County	NW1/4SE1/4	Sec. 11, Twp 04N, Rge 01W, B.M.

Place of Use

Conditions of Approval:

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 63-32089

Comments:

1. scurtis 3/29/2005 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.

Municipal use is for applicants service area

Water bearing zone to be appropriated is from 250 to 500 feet.

2. Igraves 4/5/2005 Comment/Analysis

Comment: The city of Eagle wishes to provide for growth west of the city that has been recently annexed or is seeking annexation. The city plans to implement a water system master plan that encompasses four phases to be implemented within a 20 year planning horizon. Planned construction of the first phase, aka block 1, is anticipated to begin in 2005. Block 1 will require 8.9 cfs, which includes 6.68 cfs for a 3-hour emergency fire flow demand required under DEQ public drinking water system rules and a 1-hour peak demand of 2.23 cfs based on 2000 residential customer unit connections. The city plans to have block 1 completed within the next five years and has filed two applications to cover the municipal water needs; one for 4.9 cfs listing three proposed well sites and the second for 4.0 cfs listing the same three proposed well sites plus one more for a total of four proposed well sites. The reason for two applications is that the city does not have an access agreement for the fourth uncommon well site listed on the second application. Since time is of essence, the city did not want to be delayed on beginning construction of the three wells listed on application one for which they do have access agreements.

Additional information was requested from the applicants consultant via a letter dated 2/8/2005. Included in that letter was a request for large diversion information because the two applications represent a common system and when combined exceed 5.0 cfs. The requested information was provided in report form located in each application file. Eagles Municipally Owned Water System Amended Master Plan is available at Holladay Engineering, c/o Chris Duncan. Other rights for the city include 63-9331, 63-11413 and 63-12448 for municipal use totaling 6.45 cfs. They also have storage right 63-12017 for aesthetic, recreation, wildlife storage uses for ponds in Lexington Hills and Trail Creek Subdivisions. No other rights are used. As confirmed in the submitted reports, the proposals are for additional water to be beneficially used within the five year requested development period. Please note that information in the reports (paragraph 4, page 2) indicates that the city plans to construct a water storage system as revenues become available, which will then take care of the peak fire flow requirements. If this occurs, the city plans to use the surplus capacity to meet growing daily use requirements as urbanized development continues within the city service area.

Comments were submitted by DEQ prior to advertising and are located in the files.

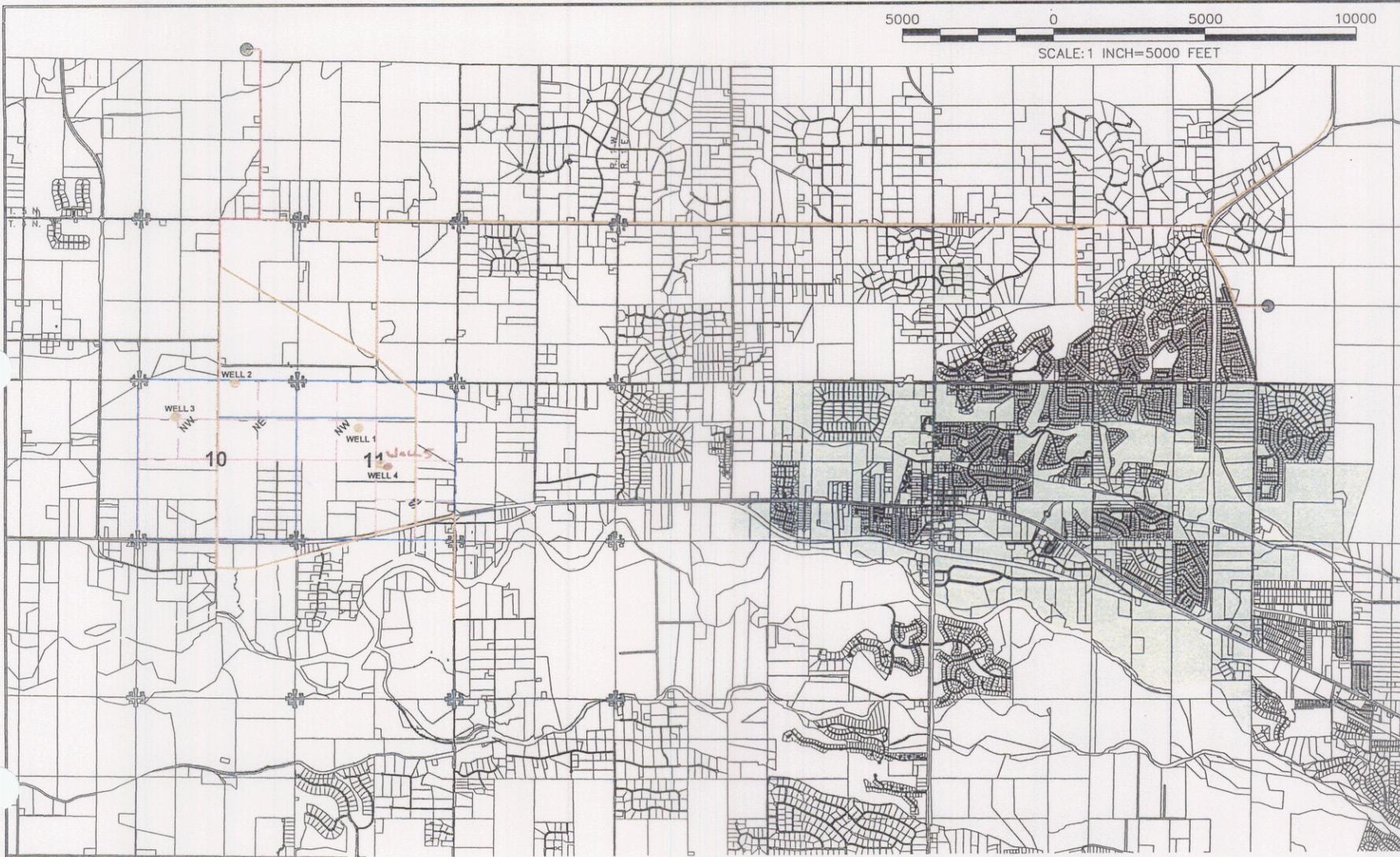
3. Igraves 5/9/2005 Comment/Analysis

Comment: Application amended 5/5/05 to add additional well in the NWSE S11, receipt no. W032895. Priority date advanced to 5/5/05. Re-advertising n/a per regional manager.

Water Supply Bank:

5000 0 5000 10000

SCALE: 1 INCH=5000 FEET



LEGEND

SERVICE AREAS

- CITY OF EAGLE
- UNITED WATER IDAHO
- EAGLE WATER CO.

- WELL LOCATIONS AND POINTS OF DIVERSION

- SECTION LINE
- QUARTER SECTION LINE
- QUARTER-QUARTER SECTION LINE

PROPOSED CITY OF EAGLE AMENDED MASTER PLAN DISTRIBUTION SYSTEM

- 20" WATER LINE
- 16" WATER LINE
- 12" WATER LINE

JOB NO: EG 112404
 CADW FILE: EG\112404\112404.dwg
 DATE: 3/29/05
 PLOTTER: 3/29/05
 DRAWN BY: JLM
 CHECKED BY: CHD

CITY OF EAGLE
 WATER RIGHT APPLICATION MAP

REUSE OF DOCUMENTS
 THIS DOCUMENT, AND THE IDEAS
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 SERVICE, IS THE PROPERTY OF
 HOLLADAY ENGINEERING CO.
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 HOLLADAY ENGINEERING CO.

HOLLADAY ENGINEERING CO.
 ENGINEERS • CONSULTANTS
 P.O. BOX 235 PAVETTE, ID 83661
 (208) 646-3300 FAX (208) 642-2159
 EMAIL: holladay@earthlink.net



APPLICATION MAP LAYOUT



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

July 19, 2005

RE: Applications for Permit--#63-32089~~8~~ & 63-32090, City of Eagle

Dear Protestant/Interested Parties:

The Department has not received your questioner that was sent with the pre-hearing conference notice earlier. We would ask that you fill out and return the enclosed form to provide the Department and the applicant information regarding your well. If you do not know the well legal description, please just mark the approximate location on the map with an X. Also, if you only know approximate values of other information, please list it with the word "approximate."

Ideally, we would like to have the information returned as soon as possible to tabulate it prior to the conference, but it may also be submitted at the conference.

We appreciate your cooperation.

Sincerely,

John Westra, Manager
Western Region

Enclosure

Questioner

Please return to our office with the attached map indicating the location of your well. If you have a copy of the well log please submit that as well.

Name

Tag Number of the well (if available)

Well Location (example: T2N, R1W, S12, SWNE):

Well Depth:

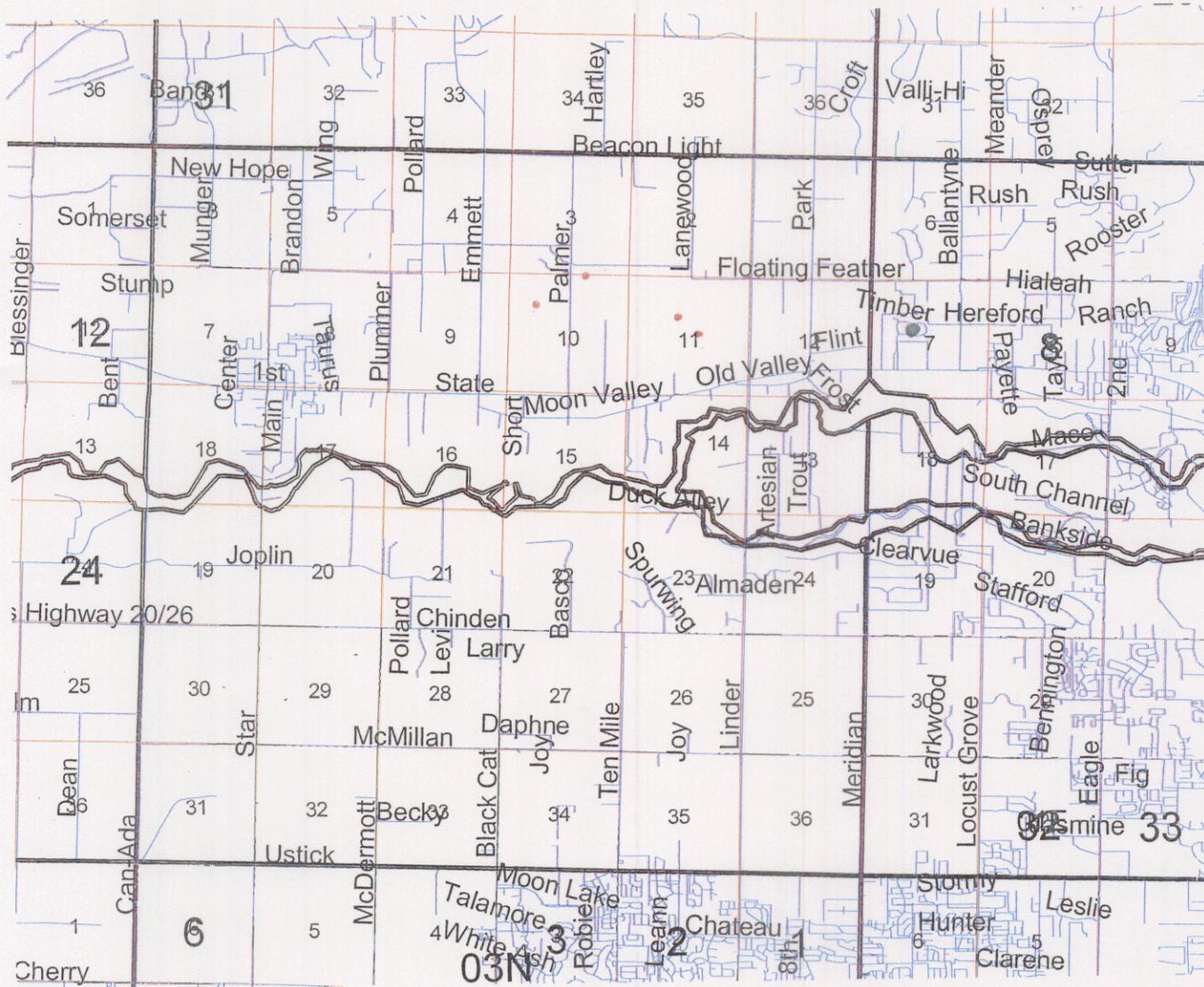
Pumping Level:

Year drilled:

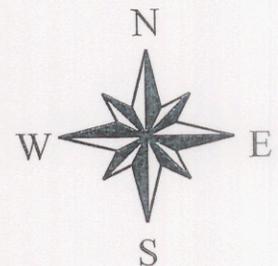
Water right number if applicable:

Additional Comments:

Map of Eagle



- Proposed City of Eagle Wells
- Allroads.shp
- PLS Section LinesGcdb_sections.shp
- Gcdb_tr.shp





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

June 6, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CITY OF EAGLE
PO BOX 1520
EAGLE CA 83616

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

Dear Applicant:

Enclosed are copies of protests filed against the issuance of a permit pursuant to the above-referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for Thursday, July 28, 2005 at the Eagle Library in Eagle, Idaho 83616. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

Please contact this office if you have questions regarding this procedure.

Sincerely,

JOHN WESTRA
Western Regional Manager

JW:sk

Enclosure: Copy of protest(s)
Notice of Prehearing Conference

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.)
_____)

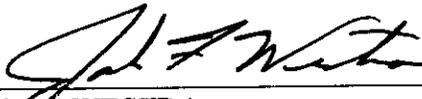
NOTICE OF PREHEARING
CONFERENCE

On January 19, 2005 the City of Eagle filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by those on the attached list.

IDWR has scheduled a prehearing conference for the protest to be held on **Thursday, July 28, 2005 at 9:00 am at the Eagle Library, 100 N. Stierman Way, Eagle, Idaho 83616**. 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 conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR at least ten (10) days prior to the conference.

Dated this 9th day of June 2005.



JOHN WESTRA
Western Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of July 2005, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those on the attached list.


Sue Kreger
Administrative Assistant

PROTESTS OF CITY OF EAGLE
63-32089 AND 63-32090
BOTH APPLICATIONS

DANA & VIKI PURDY
5926 FLOATING FEATHER RD
EAGLE ID 83616
286-9701

JOSEPH & LYNN MOYLE
C/O MICHAEL MOYLE
480 N PLUMMER RD
STAR ID 83669
870-6667

MICHAEL MCCOLLUM
1290 BUTTERFIELD
SAN ANSELMO CA 94960
415-453-2339

MICHAEL HEATH
NANCY HEATH
401 N PALMER LN
EAGLE ID 83616
286-7808

TIM CHENEY
PO BOX 190027
BOISE ID 83719
323-2333

ROY BARNETT
188 S YOUNG LN
EAGLE ID 83616
890-4525

STAR SEWER & WATER
JIM KELLER/JUSTIN WALKER
131 SW 5TH AVE STE A
MERIDIAN ID 83642
288-1992

JERRY &/or MARY TAYLOR
3410 HARTLEY
EAGLE ID 83616
286-7575

BRYAN & MARIE PECHT
10090 W FLOATING FEATHER RD
STAR ID 83669
286-9511

DEL & ROBYN MORTON
6814 W BEACON LIGHT RD
EAGLE ID 83616
286-9589

CORRIN H HUTTON
TERRY HUTTON
10820 NEW HOPE RD
STAR ID 83669
286-7752

BOB & ELSIE HANSON
4151 HARTLEY RD
EAGLE ID 83616
286-7596

MIKE DIXON
RT 1 2650 WING RD
STAR ID 83669
484-5528

TONY & BRENDA O'NEAL
1910 N MOUNTAIN VISTA LN
STAR ID 83669
286-7427

UNITED WATER ID INC
C/O SCOTT RHEAD
PO BOX 190420
BOISE ID 83719-0420
362-7325

SAM & KARI ROSTI
1460 N POLLARD LN
STAR ID 83669
286-7685

EUGENE MULLER
C/O MARY TAYLOR
320 N PALMER LN
EAGLE ID 83616
286-7369

CHARLES W MEISSNER JR
3101 N PALMER
EAGLE ID 83616
866-8688

CHARLES HOWARTH
C/O GUNNAR & MATT HOWARTH
833 N PALMER
EAGLE ID 83616
286-9760

BILL FLACK
4035 HARTLEY RD
EAGLE ID 83616
289-7392

SCHREINER, RONALD
2153 N POLLARD LN
STAR ID 83669
286-7028 870-2956

CITY OF STAR
C/O ROD LINJA
131 SW 5TH AVE STE A
MERIDIAN ID 83642
288-1992

CITY OF EAGLE
63-32090 PROTESTANTS ONLY

LEEROY & BILLIE MELLIES
6860 W STATE ST
EAGLE ID 83616
286-7257

DEAN &/OR JAN COMBE
6440 W BEACON LIGHT RD
EAGLE ID 83616
286-7174

RALPH & BARBARA WILDER
7320 W STATE ST
EAGLE ID 83616
286-7536

NORMA MARES
MARY TAYLOR
23966 BLESSINGER RD
STAR ID 83669-5016
286-7757

CITY OF EAGLE
63-32089 PROTESTANTS ONLY

FRANK & ELAINE MOSMAN
570 HWY 16
EAGLE ID 83616
286-7312

ATTORNEYS

JULIE KLEIN FISCHER
WHITE PETERSON ATT
5700 FRANKLIN RD
NAMPA ID 83687-7901
466-9272

BRUCE SMITH
MOORE SMITH BUXTON TURCKE
225 N 9TH ST STE 420
BOISE ID 83702
331-1800

CONSULTANT

CHRIS DUNCAN
HOLLADAY ENG
32 N MAIN PO BOX 235
PAYETTE ID 83661

APPLICANT

CITY OF EAGLE
PO BOX 1520
EAGLE ID 83616

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility that meets 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 ten (10) days prior to the hearing.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

June 28, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Mary Taylor
3410 Hartley
Eagle ID 83616

RE: Application for Permits—City of Eagle #63-32089 & #63-32090

Dear Mrs. Taylor:

The purpose of this letter is to bring clarification to the protest information discussed in our conversation of 5/5/05 and your letter of 5/6/05. As discussed, the City of Eagle filed 2 separate applications for permit with our Department. Our agency processes applications in accordance with Idaho Code (IC) §42-203A & 42§-221 which outlines criteria and procedures for protesting new water allocation applications. The protests and fees you have submitted meet the requirements, and are now part of each contested application.

Your previous letter indicates that you had received information that the applications had been combined into one. That information was incorrect. The applications are legal documents, and only the applicant can make application modifications/withdrawals. To-date the applications have not been modified/withdrawn, and continue to be individually processed by our office.

However for efficient use of time and resources, a pre-hearing conference has been scheduled that encompasses both applications. The conference will formulate the protest issues for each application and establish procedures. If a resolution between the protestants and applicant can not be reached, a determination will be made by the Department regarding the need for combined or separate application hearings.

I appreciate your timely response regarding the submittal of the delegated representatives for your protests.

Should you have any questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra, Manager
Western Region

Enclosure

cc: Bruce Smith



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

June 21, 2005

Jerry & Mary Taylor
3410 N Hartley
Eagle ID 83616

RE: Protest--City of Eagle Applications for Permit #63-32089 & 32090

Dear Taylors:

The purpose of this letter is to clarify any misconceptions regarding your protests filed against the City of Eagle applications. The protests received from you were accompanied by the correct \$25.00 statutory filing for each application, however a significant number of individual signatures were attached to each protest. A \$25.00 statutory fee is required for each protest pursuant to Idaho Code 42-203; therefore the documents are considered single protests even though signed by a significant number of individuals.

The Department requests that 2 individuals be delegated as spokespersons/contacts for participation in the contested case proceedings. Only delegated individuals will be able to participate. **Please submit to our office in writing the names of 2 individuals that will act as spokespersons/contacts by July 15, 2005.** If no response is received by the deadline, the Department will consider dismissing the protest pursuant to IDAPA Rule 700.

Should you have any questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra, Manager
Western Region

cc: B. Smith, Atty. City of Eagle.



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

June 21, 2005

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

RE: Protest--City of Eagle Applications for Permit #63-32089 & 32090

Dear O'Neils:

The purpose of this letter is to clarify any misconceptions regarding your protests filed against the City of Eagle applications. The protests received from you were accompanied by the correct \$25.00 statutory filing for each application, however a significant number of individual signatures were attached to each protest. A \$25.00 statutory fee is required for each protest pursuant to Idaho Code 42-203; therefore the documents are considered single protests even though signed by a significant number of individuals.

The Department requests that 2 individuals be delegated as spokespersons/contacts for participation in the contested case proceedings. Only delegated individuals will be able to participate. **Please submit to our office in writing the names of 2 individuals that will act as spokespersons/contacts by July 15, 2005.** If no response is received by the deadline, the Department will consider dismissing the protest pursuant to IDAPA Rule 700.

Should you have any questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra, Manager
Western Region

cc: B. Smith, Atty. City of Eagle.



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

June 9, 2005

EAGLE LIBRARY
100 N STIERMAN WAY
EAGLE ID 83616

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Idaho Department of Water Resources for Thursday, July 28, 2005 at 9:00 a.m.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

Sue Kreger
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

June 6, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TO: PROTESTANTS ON THE ATTACHED LIST

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

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for Thursday, July 28, 2005 at the Eagle Library in Eagle, Idaho. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

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

Sincerely,

JOHN WESTRA
Western Regional Manager

JW:sk

Encl: Copy of Application
Notice of Prehearing Conference



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

June 6th, 2005

Protestants

Re: Water Right Application for Permit Nos. 63-32089 & 63-32090, both in the name
of the City of Eagle

Dear Interested Parties:

In preparation for the Prehearing Conference on Thursday, July 28th, please
answer the questions on the enclosed questioner and mark the location of your well on
the enclosed map and return them to our office at your earliest convenience. Your
cooperation is appreciated and will allow us to prepare for the Prehearing Conference.

If you have any questions, please contact this office.

Sincerely,



Manuel Rauhut

Encl.: Questioner and map for completion

Questioner

Please return to our office with the attached map indicating the location of your well. If you have a copy of the well log please submit that as well.

Name

Tag Number of the well (if available)

Well Location (example: T2N, R1W, S12, SWNE):

Well Depth:

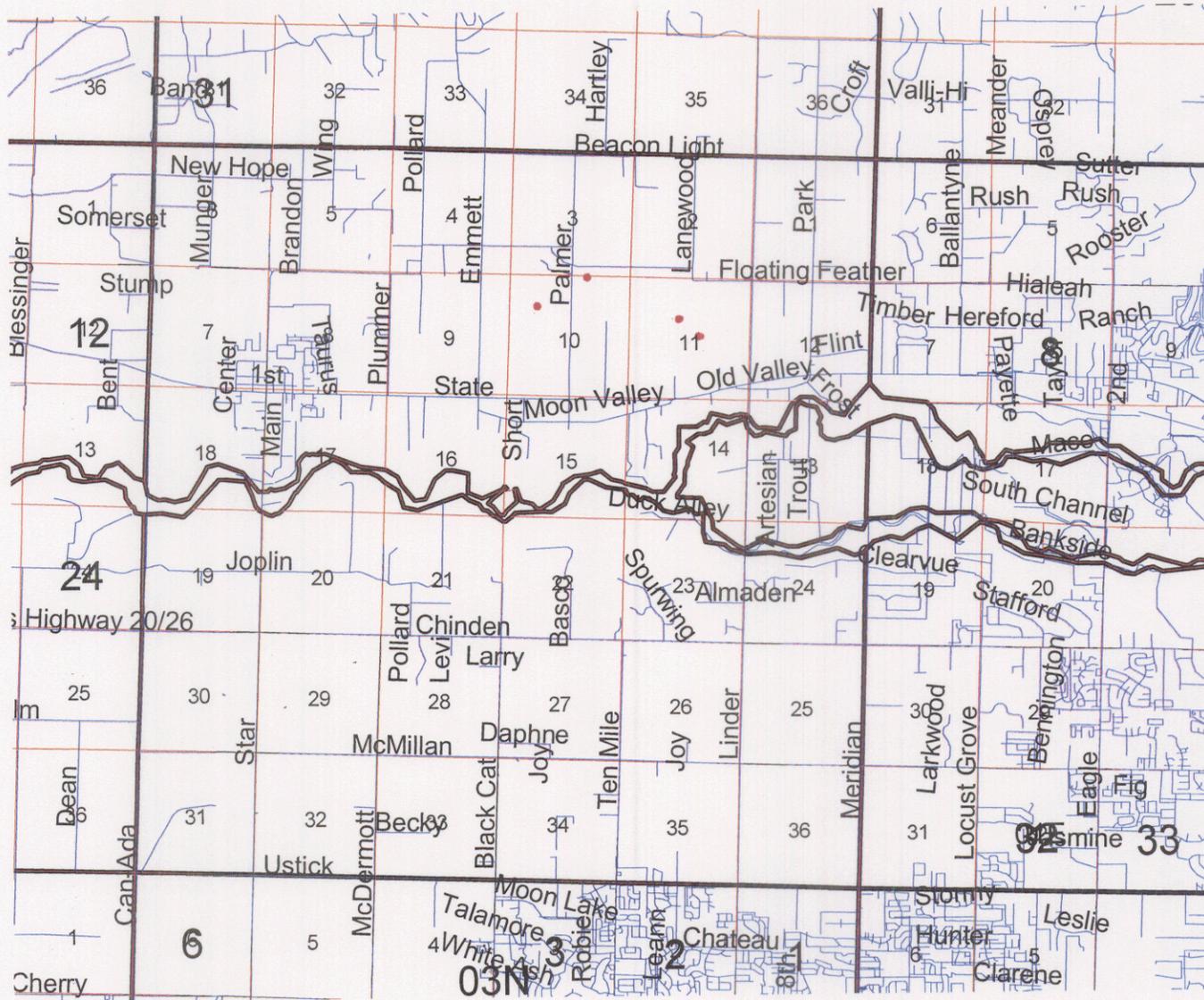
Pumping Level:

Year drilled:

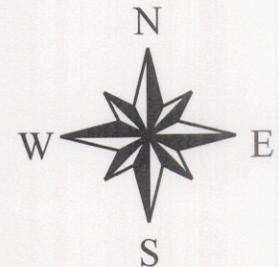
Water right number if applicable:

Additional Comments:

Map of Eagle



- Proposed City of Eagle Wells
- Allroads.shp
- PLSS Section LinesGcdb_sections.shp
- Gcdb_tr.shp



RECEIVED

MAY 12 2005

WATER RESOURCES
WESTERN REGION

WHITE PETERSON

ATTORNEYS AT LAW

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 **

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 rhyde@whitepeterson.com

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

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

May 10, 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 Notice of Appearance 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. ⁵⁻¹²⁻⁰⁵ *AK*

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

Sincerely,

WHITE PETERSON, P.A.

Ruth Hyde
Ruth Hyde, Legal Assistant to
Julie K. Fischer and John R. Kormanik

Enclosures

cc: client

RECEIVED

MAY 12 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

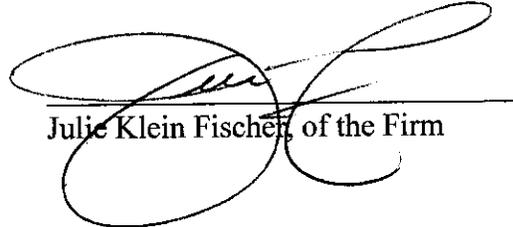
IN THE MATTER OF APPLICATION FOR)
PERMIT NOS. 63-32089 AND 63-32090 IN) **NOTICE OF APPEARANCE**
THE NAME OF CITY OF EAGLE)
)
)
)

TO: ALL INTERESTED PARTIES

PLEASE TAKE NOTICE that Julie Klein Fischer of the firm of White Peterson, P.A., hereby enters the appearance of said firm as attorneys of record for respondents, Hoot Nanney Farms, Inc., and Mike Dixon, President in this action.

DATED this 10 day of May, 2005.

WHITE PETERSON, P.A.



Julie Klein Fischer, of the Firm

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May, 2005, I caused to be served a true and correct copy of the foregoing document by the method indicated below to the following:

<u> </u> <input checked="" type="checkbox"/>	US Mail	City of Eagle
<u> </u>	Overnight Mail	PO Box 1520
<u> </u>	Hand Delivery	Eagle, ID 83616
<u> </u>	Facsimile No.	

<u> </u> <input checked="" type="checkbox"/>	US Mail	City of Eagle
<u> </u>	Overnight Mail	c/o Holladay Engineering Co
<u> </u>	Hand Delivery	Chris Duncan
<u> </u>	Facsimile No.	PO Box 235
<u> </u>		Payette, ID 83661



for WHITE PETERSON

rh:W:\Work\H\Hoot Nanne\Water Rights\Pleadings\Notice of Appearance.doc

RECEIVED

MAY 10 2005

WATER RESOURCES
WESTERN REGION

May 6, 2005

Mr. John Westra
Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RE: Application Permits by the City of Eagle
Numbers 63-32089 & 63-32090

Dear Mr. Westra,

Yesterday Thursday, May 5, 2005, I spoke with you around 3-4 p.m. It was regarding the two above mentioned applications. You instructed me, that by law, each application required an individual protest and each an accompanying \$25.00 fee.

At 7 p.m. that same day, Holladay Engineering, Eagle's consulting firm, held a meeting with a handful of concerned citizens. I was not able to attend, but was informed that Chris Duncan of Holladay told those present the two applications had been combined into one.

As affected property owners of Eagle's request, there is now confusion as to what the facts are. Water Resources tells us one thing and the City of Eagle tells us something different.

If what Eagle has told us is true, I feel Water Resources should refund the extra \$25 to everyone who submitted two protests. On the other hand, if Eagle has given us inaccurate information, I would appreciate written clarification by you for those I represent. Further more, I would ask that a letter be drafted to the City of Eagle informing them of the legal facts and urging them to inform the public accurately. If such a letter is written to Eagle, please forward a copy to me for my records.

I am sorry this burden must be placed on you; but conflicting information between the State agency and a local municipality has caused concern and confusion for those most affected. I will await your response.

Sincerely,



Mary Taylor
3410 Hartley
Eagle, ID 83616



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

April 15, 2005

MARY TAYLOR
3410 HARTLEY
EAGLE ID 83616

Re: Water Right Application for Permit Nos. 63-32089 and 63-32090 both in the
Name of the City of Eagle

Dear Interested Parties:

Enclosed are copies of application(s) that may be of interest to you. Please
review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week
period and is required to take final action shortly thereafter. However, if you desire to
file a formal protest against the approval of this application(s), your written protest along
with the \$25.00 protest fee must be received in this office by May 9, 2005.

If you have any questions regarding the application(s), please contact this office.

Sincerely,

Sue Kreger
Administrative Assistant

Encl. Copy of Application(s)



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 8, 2005

Holliday Engineering
Attention: Chris Duncan
PO Box 235
Payette ID 83661

Re: City of Eagle Applications for Permit

Dear Chris:

The recent applications for permit regarding ground water for municipal use that you filed on behalf of the City of Eagle are being processed. As standard procedure, we require applications proposing diversion of water greater than 5.0 cfs to provide additional information to assist this office in completing the initial processing steps. Because the City of Eagle's applications were received at the same time and, when combined, propose a total diversion of 8.9 cfs to be used within the same service area, we request the following additional information required by I. C. § 42-203A(5)(a-e) for "large diversion projects" be submitted. This requirement includes the following items discussed in the enclosed copy of Water Appropriation Rule 40, Rule Subsections 040.05c through 040.05g:

1. effect on existing water rights
2. sufficiency of water supply
3. good faith, delay or speculative purposes
4. financial resources
5. local public interest.

In your situation, only selected items circled in the enclosure need to be addressed. With regards to local public interest, please provide documentation showing that comment letters from the Ada County and Idaho Department of Environmental Quality have been requested. Processing will not be delayed while waiting for responses from these entities.

Other information that must be provided for each application includes the following:

1. Specification that you have been retained by the applicant as their consultant.
2. The water bearing zone where the proposed ground water will be appropriated.

2/8/05

Page 2

3. Completion of items 11.a., b. and c regarding ownership of the point of diversion and place of use.
4. Clarification that the applications are or are not for reasonably anticipated future needs. If they are, please specify and justify the planning horizon sought.
5. The department is aware of at least two municipal providers in the area proposed by the applications (United Water Idaho and Eagle Water Corp.). Please explain if/how these applications relate to the other providers listed.

The above requested information can be addressed in letter form as an attachment to the applications. Please submit the requested information to allow final evaluation of your applications to be completed. You may seek additional time to provide the information by making a written request to delay or interrupt processing. Your written response including the requested information, or a request for more time to seek the information, must be received within thirty (30) days of the date of this letter. The applications will be removed from the records of this agency if a timely reply is not made.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,



Lori Graves
Sr. Water Resource Agent

Enclosure

criterion (e) of Section 42-203A(5), Idaho Code, as to any factor affecting local public interest of which he is knowledgeable or reasonably can be expected to be knowledgeable. The protestant shall bear the initial burden of coming forward with evidence for those factors relevant to criterion (e) of Section 42-203A(5), Idaho Code, of which the protestant can reasonably be expected to be more cognizant than the applicant. (7-1-93)

iii. The protestant shall bear the initial burden of coming forward with evidence for the evaluation of the public interest criteria of Section 42-203C(2), Idaho Code, and of demonstrating a significant reduction, except that the applicant shall provide details of the proposed design, construction, and operation of the project and directly associated operations to allow the impact of the project to be evaluated. (7-1-93)

c. The applicant has the ultimate burden of persuasion for the criteria of Section 42-203A, Idaho Code, and the protestant has the ultimate burden of persuasion for the criteria of Section 42-203C, Idaho Code. (7-1-93)

d. For unprotested applications or permits to be reprocessed, the director will evaluate the application, information submitted pursuant to Rule Subsection 040.05.c. and information in the files and records of the department, and the results of any studies the department may conduct to determine compliance with the appropriate criteria. (7-1-93)

e. In protested matters the director will take official notice of information as described in the department's adopted Rules of Procedure, and will, prior to considering, circulate to the parties information from department studies and field examinations concerning the protested application or permit being reprocessed, if such information has not otherwise been made a part of the hearing record. (7-1-93)

05. Additional Information Requirements. (7-1-93)

a. For unprotested applications and permits being reprocessed, the additional information required by Rule Subsection 040.05.c. shall be submitted within thirty (30) days after the director notifies the applicant that the application or permit is being reviewed for decision. The director may extend the time within which to submit the information upon request by the applicant and upon a showing of good cause. Failure to submit the required information within the time period allowed will be cause for the director to void an application or to advance the priority of a permit being reprocessed by the number of days that the information submittal is late. The director will provide opportunity for hearing as provided in Section 42-1701A, Idaho Code. (7-1-93)

b. For protested applications or protested permits being reprocessed, the information required by Rule Subsection 040.05.c. may be requested by the director to be submitted within thirty (30) days after notification by the director, may be made a part of the record of the hearing held to consider the protest, or may be made available in accordance with any pre-hearing discovery procedures. Failure to submit the required information within the time period allowed will be cause for the director to void an application or to advance the priority of a permit being reprocessed by the number of days that the information submittal is late. (7-1-93)

c. The following information shall be submitted for applications to appropriate unappropriated water or trust water and for permits being reprocessed for trust water. The additional information submittal requirements of this rule are waived for filings which seek to appropriate five (5) cfs or less or storage of five hundred acre-feet (500 AF) or less and for filings seeking reallocation of trust water which the director determines will reduce the flow of the Snake River measured at Murphy Gauge by not more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than two hundred (200) acres will be irrigated. However, the director may specifically request submittal of any of the following information for any filing, as he determines necessary. Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows: (7-1-93)

i. For applications appropriating springs or surface streams with five (5) or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted. (7-1-93)

ii. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well.

(7-1-93)

iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights. (7-1-93)

d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows: (7-1-93)

i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year. (7-1-93)

ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source. (7-1-93)

e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows: (7-1-93)

i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code. (7-1-93)

ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials. (7-1-93)

f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows: (7-1-93)

i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed. (7-1-93)

ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications. (7-1-93)

g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows: The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director. (7-1-93)

h. The following information Relative to the Public Interest Criteria of Section 42-203C(2), Idaho Code, shall be submitted by an applicant seeking reallocation of trust water for a project which the director determines will reduce the flow of the Snake River by more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than two hundred (200) acres will be irrigated. The director may request any or all of the following information for any filing seeking the reallocation of trust water. (7-1-93)

Just
COUNTY
IDREG



STATE OF IDAHO
DEPARTMENT OF ENVIRONMENTAL QUALITY
BOISE REGIONAL OFFICE
1445 North Orchard Street • Boise, ID 83706-2239 • (208) 373-0550

RECEIVED

MAR 23 2005

WATER RESOURCES
WESTERN REGION

DEQ Response to Request for Environmental Comment

Date: March 14, 2005

Agency Requesting Comments: City of Eagle

Date Request Received: March 3, 2005

Application No: N/A

Description: Applications to appropriate water with IDWR

Applicant: City of Eagle & Idaho Dept. of Water Resources

Thank you for the opportunity to respond to your letter dated February 28, 2005. We have the following general comments regarding this project:

1. Air Quality

- The Department of Environmental Quality (DEQ) proposes that if the county approves the Conditional Use Permit they also require compliance with The Rules for the Control of Air Pollution in Idaho.
- Fugitive Dust:** According to IDAPA 58.01.01.651, "All reasonable precautions shall be taken to prevent particulate matter from becoming airborne." Based on that rule, DEQ would request that the county require development of a dust control plan by the applicant, which incorporates appropriate best management practices (BMP) to control fugitive dust that may be generated at the site. DEQ would offer technical assistance to the applicant in the development of this plan.
- Permit to Construct:** IDAPA 58.01.01.201 of the Rules for the Control of Air Pollution in Idaho (Rules) states that "No owner or operator may commence construction or modification of any stationary source, facility, major facility, or major modification without first obtaining a permit to construct from the Department . . ." Based on the information supplied in the letter of intent submitted by the Applicant to construct and operate the proposed facility, it is not possible to determine if they may require a Permit to Construct for the proposed activity. DEQ asks that as a condition of the CUP approval, the county require the Applicant to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the Rules. The applicants should contact Bill Rogers at (208) 373-0437 to initiate the applicability finding.
- Odor Control:** According to IDAPA 58.01.01.776, "No person shall allow, suffer, cause or permit the emission of odorous gases, liquids or solids into the atmosphere in such quantities as to cause air pollution." DEQ would request that the county require development of an odor management plan using the appropriate best management practices, which details how the applicant will manage odors that may occur from the proposed operation. DEQ would offer technical assistance to the applicant in the development of this plan.

Additional information is needed to comment.
No comments.

2. Wastewater

- This project proposes the expansion of an existing wastewater collection system. All projects involving wastewater collection system extensions must be designed by a professional engineer registered in Idaho. Plans and specifications must be approved by this office prior to construction. We do not review plans for individual service lines. Sewer services to individual lots should be reviewed by the State Plumbing Bureau and/or the local building department.
- This project proposes a new wastewater collection system and treatment plant. All projects involving wastewater collection systems and wastewater treatment plants must be designed by a professional engineer registered in Idaho. Plans and specifications must be approved by this office prior to construction.
- This project proposes the land application of treated wastewater. It will be necessary to obtain a permit from DEQ. The permit process will include review of collection and treatment. For additional details, contact Charles W. Ariss of this office, at 373-0550.
- The wastewater treatment plant effluent discharge proposed for this project was not described in the information we received for this project. One or more of the following conditions may apply:

NPDES Permit: *If wastewater treatment plant effluent will reach the State waters, a National Pollutant Discharge Elimination System (NPDES) permit will be required for the proposed discharge. This permit will be difficult to obtain and may delay or halt plan and specification review by this office.*

Wastewater Land Application Permit (WLAP): *If this project proposes the land application of treated wastewater, it will be necessary to obtain a permit from DEQ.*

Large Scale Absorption System (LSAS): *If effluent from the wastewater treatment plant will be discharged to groundwater through a subsurface disposal system, DEQ review and approval may be necessary.*

- This project will be served by the _____ wastewater collection system and treatment plant. The wastewater treatment plant does not currently have the additional treatment capacity necessary to serve this development. Applications for this preliminary plat should be denied by the City/District until wastewater treatment capacity has been increased to accommodate this development.
- Prior to preparing engineering reports, plans and specification for submission to DEQ, the developer and his engineer should schedule a meeting with Charles W. Ariss, P.E. of this office (373-0550) as soon as possible.
- This project will be served by individual subsurface sewage disposal systems. These systems are permitted by the local District Health Department.
-

Additional information is needed to comment.
No comments.

3. Drinking Water

- This project proposes modifications to an existing public drinking water system. Per Idaho Code §39-118 and the associated Idaho Rules for Public Drinking Water Systems, all components of public water system construction, including wells, must be designed by an Idaho registered professional engineer and approved by the Department of Environmental Quality (DEQ) prior to construction.
- This project will serve more than 24 people for more than 60 days per year and will be a Public Drinking Water System (PWS) and/or Supply. Per Idaho Code §39-118 and the associated Idaho Rules for Public Drinking Water Systems, all components of PWS construction, including wells, must be designed by an Idaho registered professional engineer and approved by the Department of Environmental Quality (DEQ) prior to construction. We recommend that you contact our office directly for each new water system at 373-0550.
- This project will serve between 2 and 9 connections. All components of water system construction, including wells, must be designed by an Idaho registered professional engineer and approved by the Department of Environmental Quality (DEQ) prior to construction. We recommend that you contact our office directly for each new water system at 373-0550.
- This project proposes the use of individual wells for each residential domestic water supply. In most cases, individual well construction is not equivalent to public drinking water system well construction. Therefore, we recommend that private wells be tested for total coliform bacteria, nitrate and nitrite prior to use and retested annually thereafter.
- Additional information is needed to comment.
- No comments.

4. Surface Water

- If the project will involve de-watering of groundwater during excavation, treatment of any discharges from this process will be needed to prevent excessive sediment and turbidity from entering surface water. If the project disturbs more than one acre, a stormwater permit from the U.S. EPA may also be needed.
- Construction Storm Water
The Clean Water Act requires operators of construction sites to obtain permit coverage to discharge storm water to a water body or to a municipal storm sewer. In Idaho, EPA has issued a general permit for storm water discharges from construction sites. In the past storm water was treated as a non-point source of pollutants. However, because storm water can be managed on site through management practices or when discharged through a discrete conveyance such as a storm sewer, it now requires a National Pollution Discharge Elimination System (NPDES) Permit.

a) The Construction General Permit (CGP)

If a construction project disturbs more than one acre of land (or is part of larger common development) that will disturb more than one acre), the operator is required to apply for

City of Eagle

permit coverage from EPA after developing a site-specific Storm Water Pollution Prevention Plan.

b) Storm Water Pollution Prevention Plan (SWPPP)

To obtain the Construction General Permit, operators must develop a site-specific Storm Water Pollution Prevention Plan. The operator must document the erosion, sediment, and pollution controls they intend to use, inspect the controls periodically and maintain the best management practices (BMPs) through the life of the project.

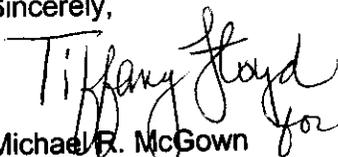
- Additional information is needed to comment.
- No comments.

5. Hazardous Waste

- Comment: No trash or other solid waste should be buried, burned or otherwise disposed at the site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.
- Additional information is needed to comment.
- No comments.

Please contact me or any technical staff at 208-373-0550, if you have any questions.

Sincerely,


Michael R. McGown
Administrator
Boise Regional Office

TFF:fw: Document1

CC: File 24, Manager's File, Reading File
File 2, _____



HOLLADAY ENGINEERING CO.

ENGINEERS • CONSULTANTS

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

RECEIVED

MAR 24 2005

WATER RESOURCES
WESTERN REGION

March 22, 2005

Lori Graves
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RE: Changes to Information Reports for Application for Water Appropriation No. 1 and 2, City of Eagle

Dear Mrs. Graves,

We are submitting the recommended changes to the information reports for City of Eagle Applications for Water Appropriation No. 1 and 2, as discussed on March 14, 2005. Enclosed is a revised well site confirmation letter from Eagle Sports Development (a.k.a. Signature Sports Development) for Water Appropriation Application No. 1 and report drawings in 8½ by 11 inch format. We have included the City of Eagle System Development Plat Map to replace the City of Eagle Municipally Owned Water System Amended Master Plan to avoid office file problems, as requested.

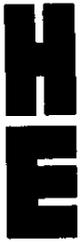
If you need additional information, please contact me at 642-3304.

Sincerely,

Holladay Engineering Company
Chris Duncan, P.G.

Cc: Bruce Smith, City of Eagle Attorney

Enclosures: Eagle Sports Development Well Confirmation Letter
Well Location Map (2-copies)
Cross-Section A-A' of Eagle, Idaho Area (2-copies)
City of Eagle System Development Plat Map (2-copies)



HOLLADAY ENGINEERING CO.

ENGINEERS • CONSULTANTS

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

RECEIVED

MAR 08 2005

WATER RESOURCES
WESTERN REGION

March 8, 2005

Lori Graves
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Dear Mrs. Graves,

We have reviewed your letter dated February 8, 2005 requesting additional information concerning the City of Eagle applications for appropriation of water (Application No. 1 and 2) submitted on January 19, 2005. Your letter indicated the City is to provide information specific to Water Appropriation Rule 40, Rule Subsection 040.05cii and 040.05ciii, 040.050dii, and 040.050g. In addition, The City is to provide information regarding the following items:

- Documents showing the request for comments from Ada County and IDEQ,
- Holladay Engineering Company as a City project consultant,
- Water bearing zones of proposed appropriation,
- Application lines 11. a., b. and c. regarding ownership of point of diversion and place of use,
- Clarification that the applications are or not for reasonable anticipated future needs, and
- Explain if/how this application relates to United Water of Idaho and Eagle Water Company located in the area.

We are submitting a report for each application containing the information requested. We have also included documents which support and supplement our response.

Please contact me with any questions or if you need additional information.

Sincerely,

Holladay Engineering Company
Chris Duncan, P.G.

Attachments: Information Report Application for Water Appropriation No. 1
Information Report Application for Water Appropriation No. 2
City of Eagle Municipally Owned Water System Master Plan, Vol. 1

Information Report
Application for Water Appropriation
Application No. 1

To: Lori Graves, IDWR Western Regional Office
From: Chris Duncan P.G., City of Eagle Project Consultant
Date: March 7, 2005
Subject: IDWR Information Request for City of Eagle Application for Water Appropriation (Application No. 1) Submitted on January 19, 2005.

The following report provides information requested by IDWR regarding City of Eagle application for water appropriation (application no. 1) filed on January 19, 2005.

Water Appropriation Rule 40, Rule Subsection 040.05.c.ii. *"For applications appropriating groundwater, a plat map be submitted locating the proposed wells relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well".*

Attached is a plat map showing the location of proposed City of Eagle well 1, 2, and 3 listed in water appropriation application no. 1. A one-half mile radius line is shown around each proposed well on the map. The location of existing wells in the area and other possible well sites (exempt from water right filing) have also been shown on the plat map. Water rights associated with wells occurring within one-half mile of the City of Eagle's proposed wells are listed in the map table. Well locations are based IDWR database records and aerial photo interpretation. Well locations were not field verified.

Water Appropriation Rule 40, Rule Subsection 040.05.c.iii. *"Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights".*

Proposed Water System Design and Operation

The attached City of Eagle Municipally Owned Water System Amended Master Plan, Volume 1, Development Plan and Ownership Documents, January 2005, (Water System Master Plan) describes the proposed expansion of the municipal

not attached. available @ Holladay Engineering upon request. by

water system to meet current and future development in the City of Eagle Amended Comprehensive Plan. The City of Eagle is planning to provide municipal water service to accommodate urban growth in adjoining areas west of the City that have been recently annexed or are seeking annexation. The City of Eagle water policy is to provide municipal water service to developing areas where service is not available to minimize water resource impacts resulting from the conversion agricultural lands to higher density urban uses. City policy and Ordinance No. 442 and 479 requires use of existing surface irrigation and groundwater supplies appurtenant to the land to meet the needs of the proposed development seeking annexation.

The City of Eagle Water System Master Plan will be implemented using a phased approach, starting with Block 1 and continuing through Block 4 in the western expansion area. The City anticipates full build-out of the water system to occur within a 20 year planning horizon and will serve approximately 22,000 residents. Construction of Block 1 is planned for late 2005 and will provide service to approximately 2,000 residential water customer units (ERC) at completion.

The water supply requirement for Block 1 is a flow rate of 8.9 cfs (3,995 gpm). The City is requesting a groundwater diversion rate to meet this requirement as listed in the applications for water appropriation (application no. 1 and 2). The requested groundwater diversion rate of 8.9 cfs is composed of a computed 3-hour fire flow demand of 6.68 cfs, as required under IDEQ Public Water System rules for residential and commercial development, and a 1-hour peak demand of 2.23 cfs based on approximately 2,000 residential customer unit connections in the western service area.

The largest component of the total diversion rate is the 3-hour emergency fire requirement of 6.68 cfs. The City plans to construct a 1.5-million gallon storage system, when approximately 2,000 residential service connections are completed and revenue becomes available for construction. The peak fire flow requirements will then be primarily supplied by the storage system. This will allow for a reduction in the required peak groundwater diversion rate. The surplus capacity in the well system will be used to meet the growing daily use requirements as urbanized development continues in the City of Eagle service area.

The applications for water appropriation (application no. 1 and 2) request a combined maximum groundwater diversion rate of 8.9 cfs (3,995 gpm) in a four well system, primarily to meet the fire flow requirement. Under normal operational conditions at the completion of Block 1, the 1-hour peak demand of 2.23 cfs (1,000 gpm) and average daily flow rate of 0.84 cfs (332 gpm) will result in well pumping rates ranging from approximately 0.74 cfs (335 gpm) to 0.28 cfs (125 gpm) when operating three wells across a four well system. The proposed distribution system design will allow for balancing of individual well pumping rates. The distribution system in the western area is configured to operate as a

single pressure zone. During an emergency fire flow event, pumping will be increased to meet the requirements of the situations, up to a maximum diversion rate of 8.9 cfs from the well system.

Proposed Well Construction

The expected well construction is 12-inch screen sections set in the lower aquifers zone between approximately 250 and 500 feet. The target design capacity of each well will range between 1,000 and 1,200 gpm. All well construction will meet IDWR Well Construction Standards and IDEQ Public Water System requirements. An exploration program will be performed prior to production well construction to determine site specific subsurface lithology and hydrogeologic conditions. Exploration will include a minimum of one exploration boring and temporary well for aquifer testing. Final production well design will be based on exploration results.

Well pumping systems will be sized in accordance with IDWR water right permits and IDEQ Public Water System requirements. Well pumping systems will be equipped with variable frequency drive motor control. Continuous downhole water level monitoring will be performed at each well. The wells and distribution system will be equipped with a SCADA operational control system.

Potential Impacts to Existing Water Rights

City of Eagle proposed wells 1, 2, and 3 have been located to minimize potential impacts to surrounding wells, as shown on the City of Eagle Well Location Map (Attached). The water right table on the City of Eagle Well Location Map lists water rights of wells located within a half-mile of the proposed well sites. The majority of these groundwater rights reside under the control and ownership of Signature Sports Development L.L.C. and developments seeking annexation to the City of Eagle. The City is pursuing agreements with each development to resolve any water right issues prior to City well construction.

The City is proposing well completion in the lower zone of the Treasure Valley Aquifer to minimize potential hydraulic impacts to area wells and protect the municipal supply from potential sources of contamination. Site specific aquifer conditions will be determined by on-site exploration and testing. Data collected during on-site exploration will provide a basis for further analysis.

Hydrogeologic information available for the Eagle area suggests the operation of proposed wells 1, 2, and 3 will have limited hydraulic impacts at a radial distance beyond one-half mile. Well information and subsurface conditions shown in Cross-Section A-A' (attached) through the east-west corridor of the Eagle area indicate strong aquifer conditions in the lower zone below 250 feet.

Water Appropriation Rule 40, Rule Subsection 040.050.d.ii. *“Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source”.*

The attached Water System Master Plan describes a required 2.64 MGD supply at full build-out of the western expansion area. This equates to approximately 3,000 ac-ft per year of groundwater withdrawal. In the Eagle western expansion area, approximately 9.5 cfs of primary and supplemental groundwater irrigation water rights have been appropriated for agricultural uses. Current City policy and ordinances requires existing water rights appurtenant to the land be applied to the proposed development. The City believes the overall groundwater supply in the area will remain unchanged through the conversion of agriculture lands to urban development.

Water Appropriation Rule 40, Rule Subsection 040.050.g. *“Information Relative to Conflict with Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows: The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, The Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the Director”.*

Attached is a copy of City of Eagle request for comment from Ada County and Idaho Department of Environmental Quality concerning the City of Eagle Municipally Owned Water System Amended Master Plan. In addition, attached is a copy of public notice concerning the City of Eagle Comprehensive Plan Amendment.

Additional information requested by IDWR

- 1. Documents showing the request for comments from Ada County and IDEQ.**

Attached is a request for comment from Ada County and Idaho Department of Environmental Quality concerning the City of Eagle Municipally Owned Water System Amended Master Plan.

- 2. Holladay Engineering Company as City project consultant**

Attached is a copy of the Holladay Engineering Company Professional Service Agreement with the City of Eagle showing Holladay Engineering as City Engineer and consultant representing the City of Eagle.

3. Water bearing zones of proposed appropriation

The proposed water bearing zone of the requested appropriation is the lower aquifer zone between approximately 250 to 500 feet below ground surface. Specific site conditions and exact depths of water bearing zones will be determined during exploration. Attached is Cross-Section A-A' summarizing known subsurface conditions in the Eagle area.

4. Application lines 11. a., b. and c. regarding ownership of point of diversion and place of use.

Points of diversion (well no. 1, 2, and 3) are located on property under the ownership and control of Signature Sports Development L.L.C. The attached Confirmation of Dedication of Well, Well Site and Access document authorizes the City of Eagle access, construction, and operation of the proposed wells. The Signature Sports Development parcels were annexed into the City of Eagle on December 7, 2004.

The place of use is shown on the City of Eagle Water Right Application Map submitted with the City's application. The City of Eagle intends to provide municipal water service within this mapped service area to meet current and future development requirements in accordance with the City of Eagle Amended Comprehensive Plan.

5. Clarification that the applications are for reasonable anticipated future needs.

The requested appropriation reflects an immediate need to supply municipal water service in Block 1 of the City of Eagle Municipally Owned Water System Amended Master Plan. Construction is anticipated to begin in 2005.

6. Explain if/how this application relates to United Water of Idaho and Eagle Water Company located in the area.

The City's application for appropriation of water is unrelated to United Water Idaho and Eagle Water Company. Neither United Water nor Eagle Water Company is certificated to serve the subject area by the Idaho Public Utilities Commission. The City of Eagle is requesting appropriation of groundwater to meet the needs of residents and proposed development currently annexed or seeking annexation in the City of Eagle.



CITY OF EAGLE

P.O. Box 1520
Eagle, Idaho 83616
939-6813

Mayor: Nancy C. Merrill

Council: Stanley J. Bastian
Steve Guerber
Scott Nordstrom
Lynne Sedlacek

February 28, 2005

To: Mike McGowen
Western Regional Administrator
Department of Environmental Quality
1445 N. Orchard
Boise, ID 83706

Jerry Armstrong
Ada County Planning Director
200 West Front Street
Boise, ID 83702

Re: City of Eagle – Water Rights Applications

Gentlemen:

The City of Eagle recently annexed 575 acres between Linder Road and Highway 16. Preparatory to constructing a municipal water system supplied by three public wells to serve the area in and around the annexed property, the City has filed two applications to appropriate water with the Idaho Department of Water Resources (IDWR). The City of Eagle has received permission for three well sites on the annexed property. (see attached notice, February, 15, 2005) Wells shall be constructed to IDWR and Idaho Department of Environmental Quality, Public Drinking Water System standards.

The City of Eagle will provide for and maintain a water supply and delivery system within the service area to meet the health and safety needs of the City as anticipated by the land uses identified in the Comprehensive Plan. A central well and distribution system is much more efficient and protective of the resource than hundreds or thousands of smaller wells constructed at less than public well standards. The City, by filing for water appropriation and preparing to extend its public water system to the area, is acting in the local public interest.

The City of Eagle and the Department of Water Resources is interested in your comments on the foregoing information. Comments may be addressed to:

City of Eagle
310 E. State St.
Eagle, ID 83616

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

Thank you for your prompt attention in this matter. For further questions, you may contact Chris Duncan, P.G., at Holladay Engineering Co., (208) 642-3304.


Nancy C. Merrill, Mayor
City of Eagle

Attachments: Map
Well agreement

CITY OF EAGLE
P. O. BOX 1520
EAGLE, IDAHO 83616
FAX: 939-3854

Legal notice is hereby given that the EAGLE Planning & Zoning Commission will hold a public hearing on August 9, 2004 AT 6:30 P.M. at Eagle City Hall to consider the following:

APPLICATION #: CPA-02-04 City of Eagle

PROJECT SUMMARY: To consider a City initiated Comprehensive Plan Amendment to:

1. Modify a portion of the Comprehensive Plan Land Use Map and a policy to adopt the Western Eagle Sub-area Plan, **full size map and application materials are available for public review at city hall;**
2. Adopt a future acquisitions map;
3. Update appropriate sections of the existing plan to ensure consistency with the new Sub-area land use plan.

The proposed amendment and application materials are on file for public inspection at Eagle City Hall, 310 E. State Street. Public testimony is encouraged at the public hearing and written comments will be accepted until 5:00 p.m. on the three days before the public hearing. Auxiliary aids or services for persons with disabilities can be made available by calling the City Clerk (939-6813) at least three days prior to the public hearing.

PLANNING & ZONING COMMISSION MEETING DATE: August 9, 2004

TO:
Ada County Assessor
Ada County Development Services –
Ada County Highway District - Attn: **Joyce Newton**
*Ballantyne Irrigation Ditch Company
Boise School District – Attn: **Sarah Stobaugh**
Chevron Pipeline
Central District Health
COMPASS
DEQ
Drainage District #2
Eagle Fire Dept
Eagle Water Co.
Eagle Sewer District - Attn: **Lynn Moser**
*Farmers Union Ditch Co. Ltd.
Idaho Power: **Layne Dodson**
IDOL
ITD - Attn.: **Sue Sullivan**
Meridian School District
New Dry Creek Ditch Co. - Attn: **Dana Purdy**
*New Union Ditch Co. - Attn: **George Transtrum**
PUC
TCI
U.S. Fish & Wildlife
Qwest – Attn: **Cindi Davis**
United Water - Attn: **Dan Brown**

The Planning and Zoning Department notified you of this application prior to the Planning and Zoning Commission's public hearing. The Commission recommended approval and forwarded this item to the Council for action. If you have any additional comments on the proposed application, please notify the City of Eagle in writing within 15 days of the transmittal date noted above. If no response is received, you will be considered as having no specific concerns regarding this item.

If you have any questions I can be reached at 939-0227.

Sincerely,

Nichoel Baird Spencer, AICP, Planner III

* Indicates mail instead of fax

HOLLADAY ENGINEERING COMPANY PROFESSIONAL SERVICES AGREEMENT

This is an Agreement made effective as of the date of signature between the person or organization as identified by authorized representative's signature, hereinafter called **OWNER** and Holladay Engineering Company, of Payette, Idaho, hereinafter called **CONSULTANT**.

PROJECT TITLE City of Eagle, Idaho, a municipal corporation

SCOPE OF WORK

DESCRIPTION OF REQUIRED WORK

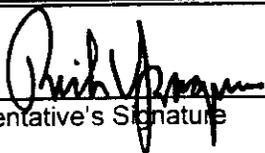
As City Engineer, Consultant will provide customary civil engineering services to assist the Owner. Services may include the following:

- Perform review and comment on lot line adjustments, lot splits, and preliminary and final subdivision plats; sign lot line adjustment, lot split and final plat mylars;
- Perform review and comment on submitted plans and specifications involving engineering related issues; perform review and comment on City and agency studies involving engineering related issues;
- Suggest, and comment on, engineering related ordinance changes;
- Advise the Mayor and Council on issues affecting the City including specific project proposals, infrastructure expansion, floodplain modifications, storm water and erosion control, ground water studies, and GIS mapping;
- and other professional engineering related tasks as may be assigned by the Mayor and Council.

To ensure duplicate file contents are maintained in the Consultant's and Owner's offices, a procedure has been established to send and/or ensure that a "Client File Copy" of all related information for each project/task made known to the Consultant will be distributed to the Owner.

This Agreement shall have a period of 365 calendar days including holidays and weekends and shall begin upon the date of signatures contained herein. OWNER shall pay CONSULTANT according to the following:

<input checked="" type="checkbox"/> Current Time and Materials Fee Schedule-Exhibit A	<input type="checkbox"/> Fixed Fee as defined in Scope of Work Schedule	<input type="checkbox"/> Other as Defined in Scope of Work Schedule
---	---	---

By: 
 Representative's Signature

5/28/97
Date

By: 
 Holladay Engineering Co. 5/23/97
Date

Person or Organization Represented:
 City of Eagle, Idaho
 a municipal corporation
 P.O. Box 477
 Eagle, ID 83616

HECO Job Number: 060996EG



HOLLADAY
ENGINEERING CO.

P.O. Box 235, Payette, ID 83661

Telephone 208-642-3304

FAX 208-642-2159

**AMENDMENT NO. 1
TO THE PROFESSIONAL ENGINEERING
SERVICES AGREEMENT
BETWEEN
HOLLADAY ENGINEERING CO.
AND CITY OF EAGLE, IDAHO
FOR ENGINEERING SERVICES, PROJECT NO. 060996**

This original AGREEMENT entered into on May 28, 1997, between HOLLADAY ENGINEERING CO. and the CITY OF EAGLE, IDAHO, for professional engineering services shall be amended as follows:

The contract time is extended to remain open. Either party may terminate this contract by providing 30 days written notice to the other party.

All other conditions of the original agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto each herewith subscribe the same in duplicate.

For City of Eagle, Idaho :

By: *Rich Yagum* 6/11/98
Date
Rich Yagum
Printed Name

City of Eagle
A municipal corporation
P.O. Box 477
Eagle, Idaho 83616
(208) 939-6813
Fax: (208) 939-6827

For Holladay Engineering Co.:

By: *Vernon E. Brewer* 6/5/98
Date
Vernon E. Brewer
Printed Name

Holladay Engineering Co.
P.O. Box 235
Payette, ID 8361
(208) 642-3304
Fax: (208) 642-2159

Post-it® Fax Note	7671	Date	# of pages
To	RECEIVED		
Co./Dept.	JUN 15 1998		
Phone #	HOLLADAY ENGINEERING CO.		
Fax #	PAYETTE, ID		

Eagle Sports Development, LLC
3350 Americana Terrace
Suite 200
Boise, Idaho 83706
(208) 385-0558

March 18, 2005

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

RE: Confirmation of Dedication of Well, Well-Site, and Access thereto to the City of Eagle, Idaho

To Whom it May Concern:

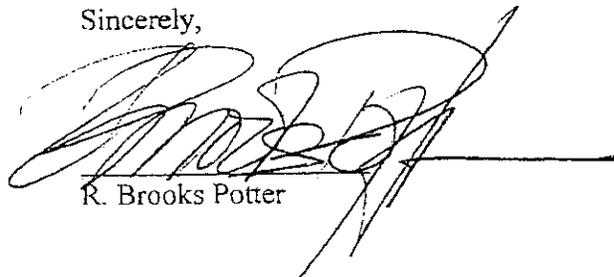
This letter serves as confirmation of the City of Eagle, Idaho's (the "City") legal right of access to construct and operate a municipal well within:

- 1) T.4N, R.1W, S.10, NW1/4 of NW1/4
- 2) T.4N, R.1W, S.10, NW1/4 of NE1/4
- 3) T.4N, R.1W, S.11, SE1/4 of NW1/4

for ingress and egress thereto. The City hereby has permission to construct, operate, and access a municipal well and well site located within the above-described $\frac{1}{4}$ $\frac{1}{4}$. The exact location of the well site shall be determined by the mutual agreement of the parties. The municipal well and well site shall be dedicated to the City upon recording of final plat and thereafter shall be in the ownership of the City.

Thank you. If you have any questions, please contact me.

Sincerely,



R. Brooks Potter

WELL LOCATION MAP

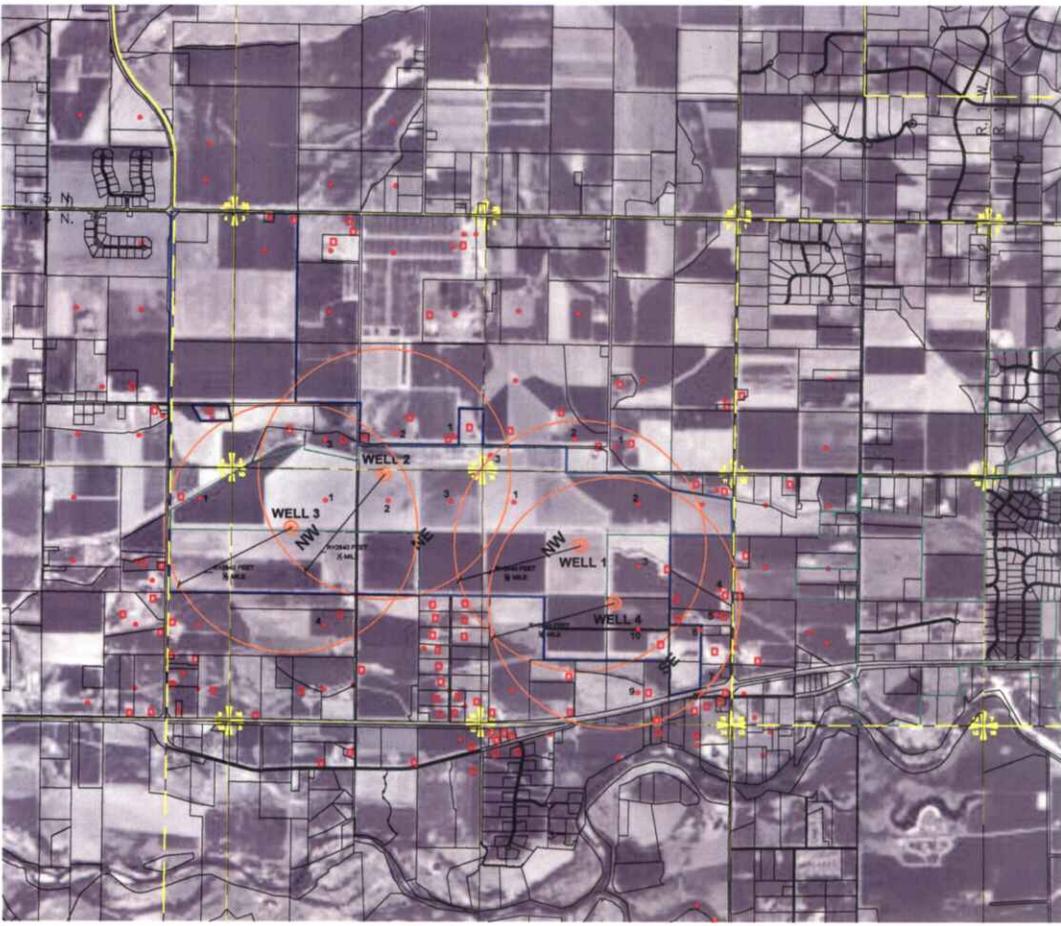
CITY OF EAGLE



MAP TABLE
Groundwater Rights With Points of Diversion
Within 1/2-mile of Proposed Wells

Map Point	Rec.	Basin	Sec. No.	Suffix	Basin	Priority Date	Decree Date	Source	Max. Diversion Rate	Max. Diversion Volume	Owner
TANR1WS2											
1	1	83	15417		Decreed	Dec 31 1913	Dec 30 1999	GROUND WATER	0.04		KENARTH BELAFFEL
2	1	83	15650		Decreed	Jan 1 1900	Dec 30 1999	GROUND WATER	0.08		WIM V K PURDY
3	1	83	2525		License	Jan 2 1953		GROUND WATER	1.4		CLARENCE F PURDY
3	2	83	7947		License	Oct 6 1973		GROUND WATER	3.78		QUARTER CIRCLE QU RANCH CO
TANR1WS3											
1	1	83	9036		Statutory Claim	Mar 1 1963		GROUND WATER	0.4		QUARTER CIRCLE QU RANCH CO
2	1	83	7947		License	Oct 6 1973		GROUND WATER	3.78	1993	QUARTER CIRCLE QU RANCH CO
3	1	83	20625		Decreed	Jan 1 1973	Mar 24 2000	GROUND WATER	0.08		LILLIAN DECKER
3	2	83	20624		Decreed	Jan 1 1975	Mar 24 2000	GROUND WATER	0.08		CLINT DECKER
3	3	83	2675		License	Dec 18 1947		GROUND WATER	0.58		ERISAL L HARRIS
3	5	83	4054		Statutory Claim	Jan 1 1942		GROUND WATER	1.4		QUARTER CIRCLE QU RANCH CO
TANR1WS9											
1	1	83	4623		Statutory Claim	Apr 1 1958		GROUND WATER	0.22		WARREN VAN DUZEN
1	2	83	2937		Decreed	Jun 25 1962	May 4 2000	GROUND WATER	0.34		BRADLEY K THORNTON
1	3	83	4623		Statutory Claim	Jun 25 1962		GROUND WATER	0.14		WARREN VAN DUZEN
TANR1WS10											
1	1	83	2718		License	Aug 17 1948		GROUND WATER	0.44		ERISAL L HARRIS
1	2	83	5364		Statutory Claim	Jan 1 1962		GROUND WATER	1.4		QUARTER CIRCLE QU RANCH CO
2	1	83	7947		License	Oct 6 1973		GROUND WATER	3.78	1993	QUARTER CIRCLE QU RANCH CO
3	1	83	10709		License	Sep 12 1988		GROUND WATER	2.08		QUARTER CIRCLE QU RANCH CO
4	1	83	17298		Decreed	Jun 15 1948	Jan 14 2000	GROUND WATER	0.04		MARIE RONZU
4	2	83	18171		Decreed	Jan 1 1920	Jan 19 2000	GROUND WATER	0.11		SALINA A WELCH
4	3	83	17298		Decreed	Jun 15 1948	Jan 14 2000	GROUND WATER	0.04		RONALD L RONZU
TANR1WS11											
1	1	83	7947		License	Oct 6 1973		GROUND WATER	3.78	1993	QUARTER CIRCLE QU RANCH CO
2	1	83	2933		License	Jun 11 1925		GROUND WATER	1		CLAWFORD MOORE
2	2	83	1963		Decreed	Jan 1 1962	Dec 30 1999	GROUND WATER	0.11		QUARTER CIRCLE QU RANCH CO
3	1	83	8202		Decreed	Apr 18 1975	Dec 30 1999	GROUND WATER	0.04		LUCIAN QUENZER
4	1	83	23448		Decreed	Jul 28 1935	Mar 31 2000	GROUND WATER	0.04		ANTHONY LOCKS
5	1	83	18671		Decreed	Dec 31 1943	Jan 1 2000	GROUND WATER	0.04		WILLIAM D LEE
5	2	83	28152		License	May 23 1950		GROUND WATER	0.46		E L HARRIS
5	3	83	18371		Decreed	Dec 31 1943	Jan 1 2000	GROUND WATER	0.04		VIRGINIA M LEE
6	1	83	28130		License	May 23 1950		GROUND WATER	0.08		LAWRENCE L COPE
6	2	83	28134		License	May 23 1950		GROUND WATER	0.22		HERBERT H BAYTER
7	1	83	1346		License	Jan 26 1988		GROUND WATER	0.08		ST PHOENIX LUTHERAN CHURCH
8	1	83	3030		License	Mar 15 1955		GROUND WATER	0.11		CONRAD E HAWKINS
8	2	83	4313		Statutory Claim	Jan 1 1940		GROUND WATER	0.58		MARVIN E EARL
8	3	83	22447		Decreed	Mar 10 1947	Apr 7 2000	GROUND WATER	0.04		VIRGINIA L MURPHY
8	4	83	4313		Statutory Claim	Jan 1 1920		GROUND WATER	0.28		ESTATE OF SARAH JANE SMITH
9	1	83	17609		Decreed	Jan 1 1967	Jun 28 2001	GROUND WATER	0.04		SHAWN H NORD
9	2	83	20727		Decreed	May 31 1948	Mar 8 2000	GROUND WATER	0.11		KIMOTHY S BRIDGES
10	1	83	2543		Decreed	Jan 1 1920	Dec 30 1999	GROUND WATER	0.04		DEAN J GUENZER

Notes: 1. Water right information is based on IDWR base records.
2. Well location are approximate and not field verified.



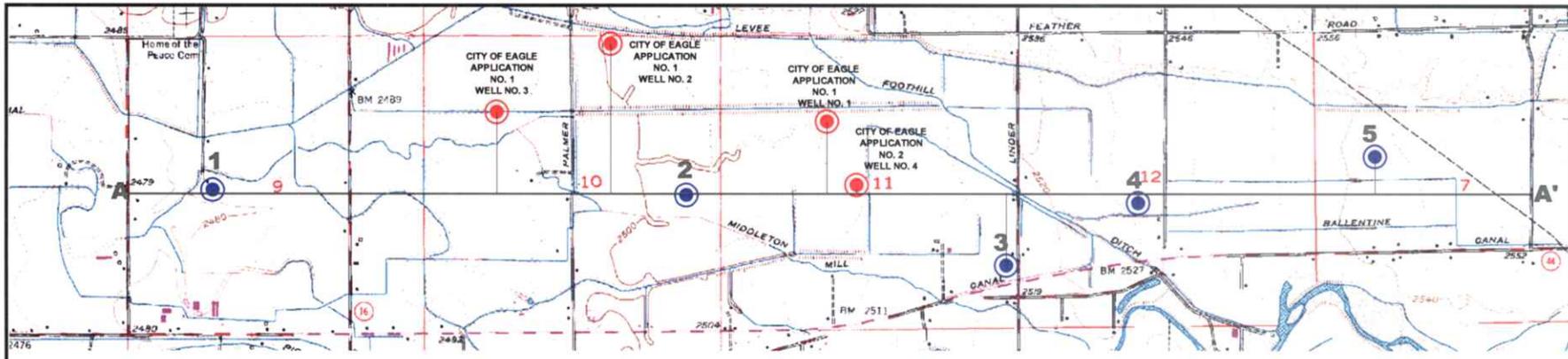
AERIAL PHOTO DATE: 7/5/98
NOTE: AERIAL PHOTO SCALE APPROX. 1 INCH = 4000 FEET

LEGEND:

- CITY OF EAGLE SERVICE AREA AND PLACE OF USE
- CITY OF EAGLE INCORPORATED LIMITS (AS OF 2/1/05)
- AREA SEEKING CITY OF EAGLE ANNEXATION
- PROPOSED CITY OF EAGLE WELL
- EXISTING WELL (BASED ON IDWR DATABASE RECORDS)
- POTENTIAL DOMESTIC WELL SITE

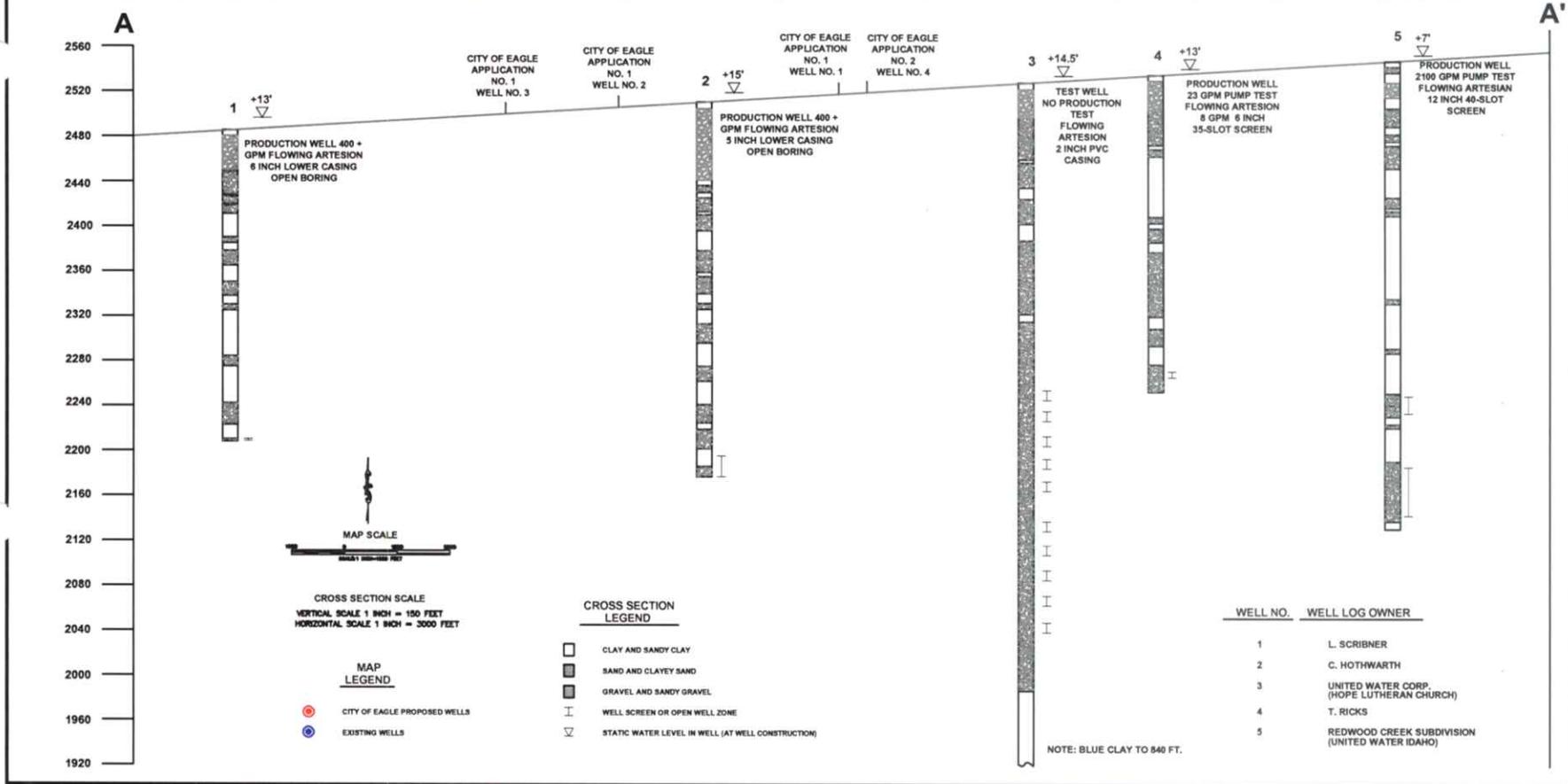
This map represents a compilation of public information from diverse records gathered by the City of Eagle and Holladay Engineering Company. The purpose for which this map is prepared is an overall general representation of potential restoration, and not a definitive description of location of any class 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 correctness of all information furnished to them for the preparation of this map.

63-32090



JOB NO. EG 112404
DATE 3/18/05
DRAWN BY JLM
CHECKED BY CHD

**CROSS SECTION A-A'
EAGLE IDAHO AREA
CITY OF EAGLE, IDAHO**



REUSE OF DOCUMENTS
THIS DOCUMENT AND THE DATA HEREIN, AS AN INSTRUMENT OF SERVICE, IS THE PROPERTY OF HOLLADAY ENGINEERING CO. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. REUSE OR REPRODUCTION OF THIS DOCUMENT WITHOUT THE WRITTEN AUTHORIZATION OF HOLLADAY ENGINEERING CO.

HOLLADAY ENGINEERING CO.
ENGINEERS • CONSULTANTS
32 N. MAIN, P.O. BOX 335, PAIVETTE, ID 83461
(208) 842-3304 FAX (208) 842-2159
EMAIL: holladay@holladay.com

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 09 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested 63-32089 & 63-32090 City of Eagle

2. Name of protestant Roy Barrett

3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 188 S. Young Lane Eagle, Id. 83616

5. Service telephone no. 208 890 4525

6. Basis of protest (including statement of facts and law upon which the protest is based)
Denial to domestic well Water Right 63-18916
" " irrigation well
" " artesian well

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Deny Eagle request

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 9/ day of May, 20 05.
Roy Barrett
Protestant

Protestant's Representative

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by DB Date 5/9/05 Time 12:45 pm

\$25.00 fee Received by DB # W032901 Date 5/9/05
↳ each

Idaho Department of Water Resources Receipt

Receipt ID W032901

Payment Amount Date Received Region Status

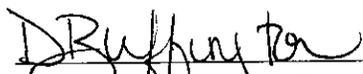
Payment Type

Payer

Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	PROTESTS	0229	21	62103	1155



Signature (Dept. Representative)

November 26, 1999

RECEIVED

MAY 09 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES WATER RESOURCES
WESTERN REGION
NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested: Application for Permit No. 32090 in the name of the City of Eagle

2. Name of protestant: City of Star

3. Protestant's Representative for service (If different than protestant)
Keller Associates, Inc. (Rod Linja)

4. Service mailing address: 131 SW 5th Ave, Suite A; Meridian, ID 83642

5. Service telephone number: (208) 288-1992

6. Basis of protest (including statement of facts and law upon which the protest is based)
The City of Star's Impact Area which has been approved by Ada County borders the "place of use" designated in the water right application being contested. Development of the proposed water right may negatively impact the availability and quality of groundwater for neighboring residents on domestic wells located inside the City's impact area. Furthermore, the City of Star has residents on private wells located inside the City limits. The availability and quality of the water supply for these private wells may be impacted by the contested water right application.

(Additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Complete withdrawal of water right application

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 9th day of MAY, 200~~0~~⁵.
[Signature], Mayor
Protestant
Rod L. Linja
Protestant's Representative

NOTE: Please serve documents to both the Protestant and the Protestant's representative.

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by JA Date 5-9-05 Time 4:30 p.m.
 \$25.00 fee Received by JA # W032098 Date 5-9-05

RECEIVED

MAY 09 2005

WATER RESOURCES
WESTERN REGION

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested: Application for Permit No. 32090 in the name of the City of Eagle

2. Name of protestant: Star Sewer and Water District (SSWD)

3. Protestant's Representative for service (If different than protestant)
Keller Associates, Inc. (Jim Keller) and/or (Justin Walker)

4. Service mailing address: 131 SW 5th Ave, Suite A; Meridian, ID 83642

5. Service telephone number: (208) 288-1992

6. Basis of protest (including statement of facts and law upon which the protest is based)
Proposed water right has proposed a place of use and point of diversion located inside the Area of Impact of the Star Sewer and Water District (SSWD). The SSWD has a DEQ - approved water master plan for this area which has been attached. The approval of the permit filed by the City of Eagle would negatively impact the SSWD's ability to acquire necessary municipal water right for the residents inside its service area. Furthermore, the development of the water right proposed in the City of Eagle's water right application conflicts with the water facilities presented in the attached water master plan which has been approved by DEQ. This conflict obstructs the SSWD's ability to plan the necessary water infrastructure effectively in its service area.

(Additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Complete withdrawal of water right application

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 9th day of May, 2005.
Jim Keller Chairman SSWD
Protestant
Justin Walker (Keller Associates)
Protestant's Representative

NOTE: Please serve documents to both the Protestant and the Protestant's representative.

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by JZ Date 5-9-05 Time 4:30 p.m.
\$25.00 fee Received by JZ # W032911 Date 5-9-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 09 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application # 63-32089 & # 63-32090

2. Name of protestant Tony and Brenda O'Neil

3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 1910 W. Mountain Vista Ln Ste. ID 83669

5. Service telephone no. 208-286-7427

6. Basis of protest (including statement of facts and law upon which the protest is based)
In 7/04, the Eagle mayor & city council passed ordinance #479 which states in essence that as a condition of annexation, surface water rights (canals/irrigation) and ground water rights (wells) are to be transferred or assigned over to the city of Eagle.
(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Reject their application for the ordinance.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 9th day of May, 20 05
[Signature]
Protestant

Protestant's Representative

NOTE:

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INSTRUCTIONS

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 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by NB Date 5/9/05 Time 4:00 pm

\$25.00 fee Received by NB # W032906 Date 5/9/05

↳ Each

We, the undersigned, are protesting application #63-32089 and #63-32090 by the City of Eagle.
We urge the Department of Water Resources to deny these two applications.

NAME

ADDRESS

NAME	ADDRESS
Jerry and Brenda O'Neil	1910 W. Mountain Vista Pl
Michael and Theresa Prena	1875 N. Mountain Vista Ln Star
James and Michele Stuber	1876 N. Mountain Vista Ln St
Jack + Becky Shull	8888 Floating Feather, Star, TR 83466
Jusan + Ernest Bradbury	1024 W. Pollard Ln Star, ID 83469
Kevin + Kathi McLeod	892 N. Pollard Star, ID 83666
Cliff Murray	859 H y 16 Star

Idaho Department of Water Resources Receipt

Receipt ID W032906

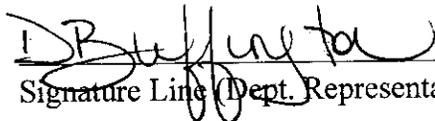
Payment Amount	<input type="text" value="\$50.00"/>	Date Received	<input type="text" value="5/9/2005 4:02:23 PM"/>	Region	<input type="text" value="Western"/>	Status	<input type="text" value=""/>
Payment Type	<input type="text" value="Check"/>	Check Number	<input type="text" value="4725"/>				

Payer

Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	PROTESTS	0229	21	62103	1155


 Signature Line (Dept. Representative)

RECEIVED
MAY 09 2005
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222, and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for Permit No. 63-32090 in the name of the City of Eagle

2. Name of protestant United Water Idaho Inc.

3. Protestant's Representative for service (If different than protestant)
Scott Rhead, P.E.

4. Service mailing address PO Box 190420, Boise ID 83719-0420

5. Service telephone no. (208) 362-7325

6. Basis of protest (including statement of facts and law upon which the protest is based)
The Application may violate all criteria of Idaho Code § 42-203A(5). The Application does not provide sufficient information for Protestant to identify more specific concerns.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Additional information from the Applicant 1) demonstrating the source for the proposed permit is sufficient to supply the proposed permit without injuring Protestant's water rights and 2) that Applicant actually requires the quantity of water requested.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 9 day of MAY, 2005.

[Signature]
Protestant

SCOTT RHEAD
Protestant's Representative

Idaho Department of Water Resources Receipt

Receipt ID W032913

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)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 06 2005

DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROTEST

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1. Matter being protested 63 - 32 090

2. Name of protestant Tim Cheney

3. Protestant's Representative for service (If different than protestant)
Cesey Taylor

4. Service mailing address PO Box 190027 Boise ID 83719

5. Service telephone no. 208 323 2333

6. Basis of protest (including statement of facts and law upon which the protest is based)

- 1 Damage to existing wells pumping level
- 2 New wells for commercial use in a moratorium area
- 3 Ag use water converted to municipal use
- 4 Water leaving area - land the rights are tied to
- 5 Illegal seizure of water rights (additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Denial of application

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 5th day of May, 2005

Tim Cheney
Protestant

Cesey Taylor
Protestant's Representative

RECEIVED

MAY 10 2005

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 06 2005
DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROTEST

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1. Matter being protested City of Eagle # 163-32090

2. Name of protestant Judy & Mary Taylor

3. Protestant's Representative for service (If different than protestant)
ourselves and/or pending legal + technical council

4. Service mailing address 3410 Hartley Eagle Id 83616

5. Service telephone no. 286-7575

6. Basis of protest (including statement of facts and law upon which the protest is based)
application represents a significant increase in use
poses threat to an already challenged aquifer
injury to existing wells and potential damage to livelihood
(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? at best - deny applications -
restrict use of wells for this 575 acre piece only -
place ownership of these water right to land owner only
(private ownership) rather than governmental ownership

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 6 day of May, 2005

Mary Taylor
Protestant

Pending
Protestant's Representative

RECEIVED
MAY 11 2005
WATER RESOURCES
WESTERN REGION

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
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 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by M Date 5-6-05 Time _____
\$25.00 fee Received by M # C077824 Date 5-6-05

We, the undersigned, are protesting application #63-32089 and #63-32090 by the City of Eagle.
We urge the Department of Water Resources to deny these two applications.

NAME	ADDRESS
Howard W Fuller	11550 W New Hope Rd Star ID
Elsie M Fuller	11550 W New Hope Rd Star ID
Paul H Fuller	11590 W New Hope Rd Star ID
Randy J Thomson	11474 W New Hope rd dtr ID.
Sandra B Thomson	11474 W New Hope Rd Star ID
Vina Combe	11483 W New Hope Rd.
Myra	11483 W. New Hope Rd.
Belgon Lewis	2525 N. Brandon Rd
Doyle C Miner	2350 Brandon Rd
Karen Piel	2689 N. Brandon Rd
Frank Piel	2689 N. Brandon Rd
Richard F. Hudson	3035 N. Hamlet Ln Star, ID
Cheryl P. Hudson	3035 N. Hamlet Lane Star, ID
Bill Stinson	2987 N. Hamlet Lane Star, ID
Pam Stinson	2987 N. Hamlet Lane Star, ID
Angie B. Hutto	10824 W. New Hope Rd Star ID.

We, the undersigned, are protesting application #63-32089 and #63-32090 by the City of Eagle.
 We urge the Department of Water Resources to deny these two applications.

NAME	ADDRESS
Patsy Barber	9393 Beacon Light Rd
Gay Burgess	" " " "
	2360 N Pollard Ln Star Id 83669
Ron Schein	2153 N. Pollard Ln Star, ID
Kaurie Johnson	3965 N POLLARD LN STAR, ID
Lori Bernard	2361 N. Pollard Ln Star, ID
Patrick Ballant	2361 N. Pollard Ln. Star, ID.
John Johnson	915 O N. FLOATING FEATHER STAR, ID.
Joyce E. Moxe	280 No Plummer Rd. Star Idaho
Tom Elibert	11330 2nd Star ID
Suzanne Martin	8243 W State Eagle ID
Jay Stillwell	3716 Hwy. 16 Eagle, Idaho
Jack + Joan Jones	1955 Hwy 16 Eagle ID. 83616
Denise Van Soren	7223 Moon Valley Rd 83616
Caitlin Welton	4500 W Brown Arrow Rd. Star 83669
Craig Johnson	425 HWY 16 Eagle Id 83616
Frank Dimasmon	5700 Hwy 16 Eagle, Idaho 83616
Connie Davis	8660 W Equest Eagle ID 83616
Salmo Raymond	46134 W State Star 83669
Barbara Moxe. McKee	9800 W Beacon Light Rd. Star 83669

We, the undersigned, are protesting application #63-32089 and #63-32090 by the City of Eagle.
We urge the Department of Water Resources to deny these two applications.

NAME	ADDRESS
Steve Hoyt	953 Hwy 16 Eagle ID 83616
Vicki Hoyt	953 Hwy 16 Eagle, ID 83616
Ernie Carlock	7.530 Bluffs Road Eagle, 83616
Charles [unclear]	3101 N Palmer Eagle 83616
Margaret [unclear]	3544 Hartley Rd 83616
Dag [unclear]	3718 Hartley RD 83616
TOM SHULER	3875 HARTLEY RD 83616
Ellen Woodard	4795 N Hartley Rd 83616
[unclear]	4795 N. Hartley Rd 83616

We, the undersigned, are protesting application #63-32089 and #63-32090 by the City of Eagle. We urge the Department of Water Resources to deny these two applications.

NAME **ADDRESS**

Ed Luis 3560 N. VERDANT PL., STAR, ID

Debbie Price 3560 N. Verdant Pl., Star

William P. Jatten 3301 No. Pollard Ln. Star, ID 83669

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 06 2005

DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROTEST

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1. Matter being protested City of Eagle # 63-32090

2. Name of protestant SAM & KARI ROSTI

3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 1460 N. Pollard Ln. Star, Id. 83669

5. Service telephone no. 208-286-7685 Cell 890-0364

6. Basis of protest (including statement of facts and law upon which the protest is based)

injury and damage to our domestic & irrigation wells
injury and damage to the aquifer
changing use of wells in protest from irrigation to municipal

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? reject both applications from City of Eagle

don't deny grandfather rights to small land owners

don't let the City of Eagle take our rights away just
because Eagle needs water.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 5th day of May, 20 05

Sam Rosti
Protestant

Kari Rosti

Protestant's Representative

RECEIVED

MAY 11 2005

WATER RESOURCES
WESTERN REGION

NOTE:

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INSTRUCTIONS

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 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by M Date 5-6-05 Time _____
\$25.00 fee Received by M # 077823 Date 5-6-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 06 2005

DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROTEST

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1. Matter being protested Application 63-32090

2. Name of protestant Via & Dana Purdy

3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 5926 Floating Feather Eagle Trail 83616

5. Service telephone no. 286-9701

6. Basis of protest (including statement of facts and law upon which the protest is based)

Injury to livelihood, Domestic Well

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Withdrawal or denial of Application

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 5 day of May, 2005

Dana Purdy Via Purdy
Protestant

Protestant's Representative

RECEIVED

MAY 11 2005

WATER RESOURCES
WESTERN REGION

NOTE:

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INSTRUCTIONS

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 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by M Date 5-6-05 Time _____
\$25.00 fee Received by M # C077821 Date 5-6-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 06 2005
DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROTEST

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1. Matter being protested 63-32090

2. Name of protestant Marie Pecht

3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 10090 W. Floating Feather Star Id

5. Service telephone no. 286. 9511

6. Basis of protest (including statement of facts and law upon which the protest is based)
of municipal wells pumping at capacity will
certainly effect the flow of my and many other wells.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? All water and water rights to
stay on allotted property ground. No extra water
to be pumped and moved from said ground or sold

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 4th day of May, 2005.

Marie Pecht
Protestant

Bryan Pecht
Protestant's Representative

RECEIVED

MAY 11 2005

WATER RESOURCES
WESTERN REGION

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

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 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by M Date 5-6-05 Time _____
\$25.00 fee Received by M # C077819 Date 5-6-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 06 2005

DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROTEST

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1. Matter being protested IDENT. NO. 63-32090

2. Name of protestant EUGENE O. MULLER

3. Protestant's Representative for service (If different than protestant)
MARY TAYLOR

4. Service mailing address 320 N. PALMER LN. EAGLE, ID 83616

5. Service telephone no. 286-7369

6. Basis of protest (including statement of facts and law upon which the protest is based)
TO PROTECT MY WELL FLOW

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? GUARANTEE MY WELL FLO.
DRILL TO A DEEP ER ~~ER~~ AQUIFER.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 5TH day of MAY, 20 05.

Eugene O. Muller
Protestant

Protestant's Representative

RECEIVED

MAY 11 2005

WATER RESOURCES
WESTERN REGION

NOTE:

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-

FOR DEPARTMENT USE ONLY

Received by MM Date 5-6-05 Time _____
\$25.00 fee Received by MM # C077817 Date 5-6-05

Idaho Department of Water Resources Receipt

Receipt ID C077817

Payment Amount \$25.00 Date Received 5/6/2005 5:25:41 PM Region State Status
Payment Type Cash

Payer EUGENE O. MULLER

Comment PROTEST FOR #63-32090

Fee Detail

Amount	Description	Fund	FY	PCA	SO
\$25.00	PROTESTS	0229	21	56103	1155


Signature Line (Dept. Representative)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 06 2005

DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application 63-32090^{pc}

2. Name of protestant Dean and/or Jan Combe

3. Protestant's Representative for service (If different than protestant)
Dean and/or Jan Combe

4. Service mailing address 6440 W Beacon Light Rd, Eagle, ID 83616

5. Service telephone no. 286-7174

6. Basis of protest (including statement of facts and law upon which the protest is based)
To protect our water rights and well for domestic, livestock and irrigation.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Guarentee if our well goes dry Eagle City will pay for drilling a new well and all expences that may occure due to such an event.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 5 day of May, 2005.

Jan Combe
Protestant

Jan Combe
Protestant's Representative

RECEIVED

MAY 10 2005

WATER RESOURCES
WESTERN REGION

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
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 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by M Date 5-6-05 Time _____
\$25.00 fee Received by M # C077793 Date 5-6-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 06 2005

DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application No. 63-32090

2. Name of protestant Ralph & Barbara Wilder

3. Protestant's Representative for service (If different than protestant)
Mike Wilder

4. Service mailing address 7320 W. State St. Eagle, Id. 83616

5. Service telephone no. 208 286-7536

6. Basis of protest (including statement of facts and law upon which the protest is based)
Large municipal wells will injure the Aquifer for domestic use and irrigation - year round use in large amounts will not even let the Aquifer reestablish itself.
(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest?
deny the applications !!!

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 3rd day of May, 2005

Barbara Wilder
Protestant

Mike Wilder
Protestant's Representative

RECEIVED

MAY 10 2005

WATER RESOURCES
WESTERN REGION

NOTE:

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INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
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 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____
\$25.00 fee Received by _____ # C077828 Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 06 2005

DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application # 63-32090

2. Name of protestant JOSEPH A & LYNN S MOYLE

3. Protestant's Representative for service (If different than protestant)
MICHAEL E MOYLE

4. Service mailing address 480 No PLUMMER RD STAR ID 83669

5. Service telephone no. 208-870-6667

6. Basis of protest (including statement of facts and law upon which the protest is based)
Concerned about injury to our wells & the aquifer
Damage to our business - causing loss of income to our employees
Under municipal use the aquifer would be prohibited from recharging

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Deny this application

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 5 day of May, 2005.

Lynn S Moyle
Protestant Jayl E. Moyle

Michael E Moyle
Protestant's Representative

RECEIVED

MAY 11 2005

WATER RESOURCES
WESTERN REGION

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
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 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by M Date 5-6-05 Time _____
\$25.00 fee Received by M # C077815 Date 5-6-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 06 2005
DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application # 63-32-090

2. Name of protestant Del and Robyn Morton

3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 6814 W. Beaconlight Rd. Eagle Id.

5. Service telephone no. 286-9589

6. Basis of protest (including statement of facts and law upon which the protest is based)

Water Right damage to our well, damage to our aquifer and a threat to our agricultural income

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Deny this Application

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 4 day of May, 20 05.

Del Morton
Protestant

Protestant's Representative

RECEIVED

MAY 11 2005

WATER RESOURCES
WESTERN REGION

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

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 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by MM Date 5-6-05 Time _____
\$25.00 fee Received by MM # C077812 Date 5-6-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 06 2005
DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application # 63-32090

2. Name of protestant Charles W. Meissner Jr

3. Protestant's Representative for service (If different than protestant)
Charles S. Meissner

4. Service mailing address 3101 N. Palmer

5. Service telephone no. 508-866-8688

6. Basis of protest (including statement of facts and law upon which the protest is based)
The extraction of any more water out of this aquifer would be very detrimental to my wells, mine or my livelihood as is and barely sufficient for my needs.
(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Do not allow any more or any larger wells to be drilled in this area

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 5 day of May, 2005.

Charles W. Meissner Jr
Protestant

[Signature]
Protestant's Representative

RECEIVED
MAY 10 2005
WATER RESOURCES
WESTERN REGION

NOTE:

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INSTRUCTIONS

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 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by _____ Date 5-6-05 Time _____

\$25.00 fee Received by _____ # 6077810 Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY - 6 2005

DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested 63-32090

2. Name of protestant Michael McCallum

3. Protestant's Representative for service (If different than protestant)
Pending - will notify

4. Service mailing address 1290 Butterfield Rd. San Anselmo, CA 94960

5. Service telephone no. 415 453-2339

6. Basis of protest (including statement of facts and law upon which the protest is based)
① CLEARLY AN ENLARGEMENT OF WATER RIGHTS - adding wells.
② Injuring and depletion of the aquifer
③ DEFINITELY will threaten future value of land up the hill
④
(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? To allocate the amount of water ENTITLED to this
land for this land and not the city.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 5th day of MAY, 20 05.
[Signature]
Protestant

Protestant's Representative

RECEIVED

MAY 10 2005

WATER RESOURCES
WESTERN REGION

Note to the Department of Water Resources

To whom it may concern.

I live in California and just happen to find out about this today (May 5th) and on the face of this it is a hard issue to sort out but the proposal does not look good and the information was clearly not shared. ~~with~~

I will look hard at these ordinances and try to have good representation to work for a good and fair resolve.

Sincerely,



Michael McMullen.

RECEIVED

MAY 10 2005

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 06 2005

DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROTEST

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1. Matter being protested 13 - 32090

2. Name of protestant Curtin H Hutton

3. Protestant's Representative for service (If different than protestant)
Terry Hutton

4. Service mailing address 10820 New Hope Rd. STAR ID 83669

5. Service telephone no. 208 886 7752

6. Basis of protest (including statement of facts and law upon which the protest is based)
I recently had to drill a new well because my old well went dry this application would cause further injury to the Aquifer

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? deny this Application to protect Aquifer

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 5th day of MAY, 20 05

Curtin H Hutton
Protestant

Protestant's Representative

RECEIVED

MAY 10 2005

WATER RESOURCES
WESTERN REGION

NOTE:

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INSTRUCTIONS

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 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by M Date 5-6-05 Time _____
\$25.00 fee Received by M # C077804 Date 5-6-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 06 2005

DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

- 1. Matter being protested Application # 03-32090
- 2. Name of protestant Charles H. Howarth M.D. C.H. HOWARTH
- 3. Protestant's Representative for service (If different than protestant)
Sumner or Matt Howarth
- 4. Service mailing address 833 N. Palmer Ln. Eagle Id 83616
- 5. Service telephone no. 208-286-9760
- 6. Basis of protest (including statement of facts and law upon which the protest is based)

Threat to existing water rights

(additional pages may be attached to describe nature of the protest)

- 7. What would resolve your protest? No threat to aquifer

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 3 day of May, 2005
Charles H. Howarth M.D.
 Protestant
The above in my absence
 Protestant's Representative

RECEIVED

MAY 10 2005

WATER RESOURCES
WESTERN REGION

NOTE:

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INSTRUCTIONS

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5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by M Date 5-6-05 Time _____
\$25.00 fee Received by M # C077802 Date 5-6-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 06 2005

DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROTEST

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1. Matter being protested Application 63-32090

2. Name of protestant Michael Heath

3. Protestant's Representative for service (If different than protestant)
Nancy J Heath

4. Service mailing address 401 N. Palmer Lane, Eagle, Id 83614.

5. Service telephone no. 284-7808

6. Basis of protest (including statement of facts and law upon which the protest is based)

Cause injury to my water rights used for domestic, stock and irrigation water use.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? more information to make an informed decision

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 5th day of MAY, 2005.

Michael Heath
Protestant

Nancy J Heath
Protestant's Representative

RECEIVED

MAY 10 2005

WATER RESOURCES
WESTERN REGION

NOTE:

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INSTRUCTIONS

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 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by M Date 5-6-05 Time _____
\$25.00 fee Received by M # C077800 Date 5-6-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 06 2005

DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application 63-32090

2. Name of protestant Bot & ELSIE HANSON

3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 4157 HARTLEY Rd. EAGLE, ID 83616

5. Service telephone no. 286-7596

6. Basis of protest (including statement of facts and law upon which the protest is based)

Increase of use which would deplete the underground water in the area of the wells in question

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? It appears that this issue needs further study before this application is processed.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 5 day of May, 2005.

Elsie J. Hanson
Protestant

Protestant's Representative

RECEIVED

MAY 10 2005

WATER RESOURCES
WESTERN REGION

NOTE:

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 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by M Date 5-6-05 Time _____
\$25.00 fee Received by M # 077798 Date 5-6-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 06 2005

DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested 63-32090

2. Name of protestant Mike Nijon

3. Protestant's Representative for service (If different than protestant)
Terry White or Mike Nijon

4. Service mailing address Rt 1 2650 Wing Rd. Star, Ida. 83669

5. Service telephone no. 484-5529

6. Basis of protest (including statement of facts and law upon which the protest is based)
It will have a adverse impact on our wells & aquifer.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? No municipal wells

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 5 day of May, 2005

Michael L Nijon
Protestant

Terry White
Protestant's Representative

RECEIVED

MAY 10 2005

WATER RESOURCES
WESTERN REGION

NOTE:

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INSTRUCTIONS

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 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____
\$25.00 fee Received by M # C077784 Date 5-5-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 05 2005

DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested 63-^{MT}32809 and 63-32090

2. Name of protestant NORMA MARES

3. Protestant's Representative for service (If different than protestant)
MARY TAYLOR

4. Service mailing address 23966 BLESSINGER ROAD STAR, ID 83669-5016

5. Service telephone no. (208) 286 7757

6. Basis of protest (including statement of facts and law upon which the protest is based)
ALLOWING EAGLE TO DO THIS WILL JEPORDIZE OUR WELLS, OUR RESOURCES
AND IN SOME CASES OUR OCCUPITATIONS.
PROPERTY VALUES COULD ALSO BE AFFECTED.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? DENY THE REQUEST

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 5th day of MAY, 2005

Norma Mares NORMA MARES
Protestant

MARY TAYLOR
Protestant's Representative

RECEIVED

MAY 10 2005

WATER RESOURCES
WESTERN REGION

NOTE:

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 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____
\$25.00 fee Received by MM # C077805 Date 5505

We, the undersigned, are protesting application #63-32089 and #63-32090 by the City of Eagle. We urge the Department of Water Resources to deny these two applications.

NAME	ADDRESS
Jim F Bullock	23874 Blessinger Ln Star
Gene Galtman	23790 BLESSINGER Rd. STAR
Shaun Galtman	23790 Blessinger Rd. Star
Rod Hawker	23708 Blessinger Rd Star
Janie Humberg	24082 Blessinger Star
Liz Knapp	24080 Blessinger Star
Gary Strickland	6847 Willi's Lane Star
Kristin Collins	24097 BLESSINGER STAR
Pow Craxe	23997 Blessinger Star
Gene Hatcher	24080 Blessinger Rd Star
Loren Mooney	24095 BLESSINGER RD. STAR ID
ANGIE MOONEY	24095 Blessinger Rd. Star
DENNIS MOONEY	24095 Blessinger Rd Star
BRIAN DAVIS	7451 ZENITH LANE STAR
Eileen Davis	7451 Zenith Ln Star
Brett Nordquist	7386 Zenith Ln. Star
Jennifer L...	Same
Phil Wilson	7302 Zenith Ln Star
Kristy Hyde	7349 Zenith Ln. Star
Joe C. ...	24196 N Blessinger Rd. Star.
Robin Johnson	23998 N Blessinger Star Rd.
Mike McLean	6745 NW 19 Rd Star

WE, THE UNDERSIGNED, ARE PROTESTING APPLICATION #63-32089
and #63-32090 BY THE CITY OF EAGLE.

WE URGE THE DEPARTMENT OF WATER RESOURCES TO DENY THESE APPLICATIONS.

de Mares 23966 Blessinger Rd Star 83669
Flanner Mares 23966 Blessinger Rd Star 83669

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 06 2005

DEPARTMENT OF
WATER RESOURCES

RECEIVED

MAY 05 2005

DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROTEST

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- 1. Matter being protested applications #63-32089 & #63-32090
- 2. Name of protestant Lee Roy B. Mellies / Billie F. Mellies
- 3. Protestant's Representative for service (If different than protestant)

- 4. Service mailing address 6860 W. State St. Eagle, Id. 83616
- 5. Service telephone no. (208) 286-9257

- 6. Basis of protest (including statement of facts and law upon which the protest is based)
Injury to my well - potential to devalue my property

(additional pages may be attached to describe nature of the protest)

- 7. What would resolve your protest? reject application

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 5th day of MAY, 2005.

Lee Roy B Mellies / Billie F. Mellies
Protestant

Protestant's Representative

RECEIVED

MAY 10 2005

WATER RESOURCES
WESTERN REGION

NOTE:

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INSTRUCTIONS

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 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____
\$25.00 fee Received by M # C077808 Date 5-5-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested # 63-32090

2. Name of protestant Bill Flach

3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 4035 Hartley Rd Eagle Idaho 83616

5. Service telephone no. 286-7392

6. Basis of protest (including statement of facts and law upon which the protest is based)
damage to my water rights, depletion of existing aquifer

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Condition to protect existing rights and aquifer, Keep the water on the existing land.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 5th day of May, 2005.

Bill Flach
Protestant

Protestant's Representative

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 04 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF PROTEST

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1. Matter being protested 63-32089 + 63-32090 City of Eagle

2. Name of protestant RONALD L. SCHREINER

3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 2153 N. POHARD LN., STAR ID. 83669

5. Service telephone no. 208-286-7028 or 208-870-2956

6. Basis of protest (including statement of facts and law upon which the protest is based)

Damage to our domestic well
Damage to our irrigation well
Damage to our Artesian well

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? 1. Deny these applications

2. Condition of approval to compensate the Schreiner for
any loss of water flow on the 3 existing wells.
To remedy the loss.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 4th day of May, 2005

Ronald L. Schreiner
Protestant

Protestant's Representative

NOTE:

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 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by lg Date 5/4/05 Time 10:00 AM
\$25.00 fee Received by lg # W032882 Date 5/4/05

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

April 14, 2005

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Application for Permit No. 63-32089 and 63-32090

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 05/09/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

63-32090

CITY OF EAGLE
PO BOX 1520
EAGLE ID 83616

Point(s) of Diversion NWNE S10 T04N R01W ADA County Source GROUND WATER

Point(s) of Diversion SENW S11 T04N R01W ADA County Source GROUND WATER

Point(s) of Diversion NWNW S10 T04N R01W ADA County Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 4.9 CFS

Total Diversion: 4.9 CFS

Date Filed: 01/19/2005

Remark: Applicant agrees to mitigate consumptive use in the future as needed.
Municipal use is for applicants service area
Water bearing zone to be appropriated is from 250 to 500 feet.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 05/09/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on _____ and _____