

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
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MICHAEL C. MOORE[‡] *of Counsel*

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* Also admitted in New Mexico
* Also admitted in Oregon
◊ Also admitted in South Dakota
≈ Also admitted in Utah
‡ Also admitted in Washington

May 12, 2008

Mr. David Tuthill 
Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED

MAY 14 2008

DEPARTMENT OF
WATER RESOURCES

Re: City of Eagle Applications No. 63-32089 and 63-32090

Dear Director Tuthill:

In the hearing on May 7, 2008, you inquired about the details of the pump test performed by the City of Eagle. You asked if the dates for the pump test were included in the Pump Test Plan approved by the IDWR – Western Region. After the hearing, I compiled the attached documents that explain how the pump test was arranged. I believe all of the documents except a letter dated May 30, 2006 from Jerry Kiser, attorney for Star Water and Sewer District, to Bruce Smith indicating that the District did not want to install monitoring equipment in its well during the pump test, are included in the record. However, as noted in Document 1, the Notice of Second Prehearing Conference and Order, the “application to drill a well is not included in the contested case for the applications to appropriate water”. Therefore, it may be possible that the documents regarding the drilling/pump test may not have been included in the hearing record. Nevertheless, I am providing these documents so you do not have to sort through the considerable volume of material in this file. I am including the following documents:

Document 1 10/07/05

Notice of Second Prehearing Conference and Order.

Note: The Order allowed protestants to propose their wells be measured as part of the test. No protestants indicated that they wanted their wells included.

Document 2 10/12/05

Letter to Gary Spackman Enclosing Proposed Pump Test.

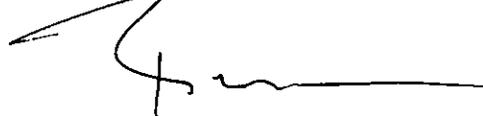
Note: Letter indicates service of Proposed Pump Test Plan on all protestants. Page 5 of the Pump Test Plan indicates that pump test would begin one week following completion of test wells and the IDWR would be notified in advance of start date.

- Document 3** 10/27/05 Letter from Roger Dittus, UW, to Rob Whitney offering comments on Pump Test Plan.
- 10/24/05 Letter from Jerry Kiser to Bruce Smith offering comments of Star Water and Sewer on Pump Test Plan.
Note: Neither the City nor IDWR received any other comments.
- Document 4** 12/22/05 Letter from Rob Whitney to Chris Duncan approving Pump Test Plan.
- Document 5** 12/26/05 Letter from John Westra to protestants notifying them of IDWR approval of the Pump Test Plan.
- Document 6** 03/10/06 Order Continuing Hearing and Cancelling Prehearing Deadlines.
Note: The only parties who contacted the City about the Pump Test Plan were United Water and Star Water and Sewer District.
- Document 7** 05/15/06 Letter from Chris Duncan to Rob Whitney notifying IDWR that pump test would begin June 1, 2006, at 10:00 a.m.
- Document 8** 05/30/06 Letter from Jerry Kiser to Bruce Smith indicating Star Water and Sewer would not install monitoring equipment during the pump test.
Note: This shows that Star Water and Sewer got the notice of the pump test.

I believe the documents show that the protestants had more than adequate notice of and opportunity to comment on the pump test.

Sincerely yours,

MOORE SMITH BUXTON & TURCKE, CHTD.



Bruce M. Smith

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of May 2008, I caused to be served a true and correct copy of the foregoing letter to Mr. David Tuthill dated May 12, 2008 with enclosures was served upon the following by the method indicated below:

| | |
|--|---|
| JERRY & MARY TAYLOR 3410 HARTLEY EAGLE ID 83616 | CHARLES HOWARTH C/O CHARLES HONSINGER DANIEL V. STEENSON RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773 |
| CHARLES HONSINGER DANIEL V. STEENSON RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773 | |

- via U.S. MAIL
- via HAND DELIVERY
- via OVERNIGHT MAIL
- via FACSIMILE



BRUCE M. SMITH

BEFORE THE DEPARTMENT OF WATER RESOURCES
FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS TO)
APPROPRIATE WATER NOS. 63-32089 AND)
63-32090 IN THE NAME OF THE CITY)
OF EAGLE)
NOTICE OF SECOND
PREPARING CONFERENCE
AND ORDER

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

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

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



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

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

IT IS HEREBY ORDERED that:

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

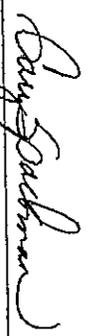
Failure to provide the information could result in delay of the Department's consideration of Eagle's application for a drilling permit and delay in holding a hearing.

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

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

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

Dated this 7th day of October, 2005.



Gary Spackman
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14 day of October, 2005, a true and correct copy of the above and foregoing documents described below were served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Notice of Prehearing Conference

DANA & VIKI PURDY
5926 FLOATING FEATHER
EAGLE ID 83616

SAM & KARI ROSTI
1460 N POLLARD LN
STAR ID 83669

SCOTT & NANCY RESSER
499 N LINDER RD
EAGLE ID 83616

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

EUGENE MILLER
320 N PALMER LN
EAGLE ID 83616

LEROY & BILLIE MELZES
6860 W STATE ST
EAGLE ID 83616

MICHAEL MCCOLLUM
1290 BUTTERFIELD
SAN ANSELMO CA 94960

CHARLES MEISSNER JR
3101 N PALMER
EAGLE ID 83616

RALPH & BARBARA WUNDER
7320 W STATE ST
EAGLE ID 83616

MICHAEL HEATH
NANCY HEATH
401 N PALMER LN
EAGLE ID 83616

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

DEAN & JAN COMBE
6440 W BACON LIGHT
EAGLE ID 83616

TIM CHERNEY
PO BOX 190027
BOISE ID 83719

BILL FLACK
4035 HARTLEY RD
EAGLE ID 83616

NORLA MARRS /
23966 BLESSINGER RD
STAR ID 83669-5016

JERRY & MARY TAYLOR
3410 HARTLEY
EAGLE ID 83616

RONALD SCHREINER
2153 N POLLARD LN
STAR ID 83669

BRUCE M SMITH
MOORE SMITH BOXTON TORRES
225 N 9TH STE 420
BOISE ID 83702

CORRIN & FERRY HUTTON
10820 NEW HOPE RD
STAR ID 83669

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

JULIE K FISCHER
WHITE PETERSON
5706 FRANKLIN RD
NAMPA ID 83687

BOB & ELSIE HANSON
4151 HARTLEY RD
EAGLE ID 83616

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

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

UNITED WATER ID INC
C/O SCOTT REHAD
PO BOX 190428
BOISE ID 83719-0420

MAKE DIXON
RT 1 2650 WING RD
STAR ID 83669

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


Deborah J. Gibson
Administrative Assistant

IDAHO DEPARTMENT OF
WATER RESOURCES

Fax

To: Bruce Smith, Julia Fischer, & Jerry Kiser
From: Deborah J. Gibson (208) 287-4942

Fax: 331-1202, 466-4405, 336-1027
Date: October 7, 2005

Phone: City of Eagle Apps. Nos. 63-32089 & 63-32090
Pages: 5

Urgent For Review Please Comment Please Reply Please Recycle

Comments:

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

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

1019-3
63-52089
63-52090
JMS
CITY Eng.
CARON

1049-05
63-32089
63-32090
CORRES.

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

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

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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

October 12, 2005

COPY

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

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

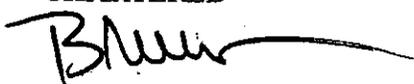
Dear Mr. Spackman:

In response to the Notice of Second Preliminary Conference and Order, please find enclosed a detailed explanation of the proposed test well and pump test. Pursuant to the notice and order, copies of this are being served on each protestant.

I would like to raise one issue. The City's proposed pump test was designed to gather information, evidence if you will, to support the City's applications. I am unaware of any other proceeding in which a party's effort to obtain such information is subjected to the advance review and comment of an opposing party. The City is willing to cooperate in this effort but must reserve all of its rights to object if it becomes apparent that the protestants misuse this unique opportunity to delay or otherwise jeopardize the City's applications. I note that the order explains that "The application to drill a well is not included in the contested case for the applications to appropriate water." This is correct. Since it is the IDWR that is ordering this meeting and disclosure to take place, the City hopes the IDWR would also ensure that the City's applications are not impaired by the process. In other words, we are concerned but willing to participate while recognizing the reservations expressed above.

Sincerely,

MOORE SMITH BUXTON & TURCKE
CHARTERED


Bruce M. Smith

BMS:jj

EXHIBIT
tabbler
2



HOLLADAY ENGINEERING CO.

ENGINEERS • CONSULTANTS

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

1019-03 63-32089
63-32090
CORRES. to
pladings

October 12, 2005

COPY

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

Subject: Aquifer Test Proposal for City of Eagle, Applications for Water
Appropriation 63-32089 and 63-32090, HECO NO. EG061204 and
EG13305

Dear Mr. Spackman,

Per the Notice of Second Prehearing Conference and Order dated October 7, 2005, this is the explanation of construction specifications for proposed test wells no. 1 and 2 and the proposed aquifer test pertaining to applications for water appropriation 63-32089 and 63-32090.

On September 13, 2005, the City of Eagle (Applicant) requested review and approval to conduct a multi-well constant rate aquifer test related to water appropriation applications 63-32089 and 63-32090. The aquifer test is designed to gather site specific hydrogeologic information in the Lower Treasure Valley Aquifer system and to serve as a basis for further analysis. The aquifer test will also provide a field demonstration of pumping effects on ground water levels at various monitoring well locations at distances up to approximately 1-mile from the aquifer test pumping well. Holladay Engineering Company will conduct the aquifer test and provide engineering services for the aquifer test project.

The Applicant is proposing to construct a new test well (test well no. 1) located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 11, T. 4N, R. 1W on the Quarter Circle D. J. property and owned by Legacy Sports Development, LLC. The aquifer test

requires a well completed in the representative production zone between 400 to 500 feet with a minimum production capacity of 1,000 gpm. Test well no. 1 is designed as a 12-inch diameter single string welded assembly with 80 feet of screen. Total well depth will be approximately 500 feet, pending drilling results. A shallow depth production well (test well no. 2) is also proposed to provide drilling water for construction of test well no. 1. Test well no. 2 will be located approximately 100 feet away from test well no. 1 in the same quarter-quarter location as listed above. Applications for Drilling Permit were submitted to IDWR on September 13, 2005.

The following details the proposed aquifer test and construction of test well no. 1 and no. 2.

Aquifer Test

A seven day constant rate pump and recovery aquifer test is proposed to determine site specific conditions of the Lower Treasure Valley Aquifer system in the area where new production wells are proposed under water appropriations applications 63-32089 and 63-32090. The aquifer test will consist of pumping and recovery phases to determine aquifer transmissivity and storativity values at the pumping well and monitoring well locations. The test data will be used to characterize conditions and behavior of the aquifer system in response to pumping stress. The proposed aquifer test is similar in size and duration to the United Water of Idaho Floating Feather Well test performed in 1995. The test has been designed to meet DEQ Public Water System requirements for test pumping a groundwater source supply under IDAPA 58.01.08.550.03.i.

Pumping Phase of Test

Test well no. 1 will be pumped at a constant rate of 1,000 gpm. The aquifer test pumping duration is a maximum of seven-days or until 72-hours of water level stabilization has occurred in the pumping well. The maximum water volume to be produced is 30.93 ac-ft for a 7-day period of pumping. The pumping rate will be controlled by a discharge valve and monitored using a flow rate and totalizing meters. Groundwater will be discharged to the existing canal and irrigation system on the Quarter Circle D. J. Ranch. The groundwater produced during the test will be used for farm irrigation under existing irrigation water rights for the Quarter Circle D. J. Ranch.

Recovery Phase of Test

The recovery phase of the test will start at the completion of pumping. Water levels will be monitored in all wells for a period equal to or exceeding the pumping test duration and until full recovery occurs in the pumping well. The water level recovery data will also be used to determine transmissivity and storativity values at each well location. Recovery data will be used to characterize conditions and behavior of the lower aquifer system in response to pumping stress.

Pre-Test Monitoring

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

Water Level Monitoring

Existing wells located on the Quarter Circle D. J. Ranch will be used for water level monitoring during the aquifer test, pending the results of a detail field inspection of each monitoring well. Some potential monitoring wells are reported as artesian and are completed in the deeper aquifer zone below approximately 250 feet. Some potential monitoring wells are non-artesian and are completed in an intermediate zone between 100 and 180 feet, and two potential monitoring wells are completed in the shallow upper aquifer zone. The radial distances of these monitoring wells range between approximately 500 and 5,100 from the pumping well. Attached is an aquifer test map showing the approximate location of each potential well.

Prior to the start of the aquifer test, each monitoring well will undergo a detailed field inspection. Drilling records are not available for several proposed monitoring wells, as shown on the attached aquifer test map. At locations where well construction and completion cannot be confirmed from a driller's report, a down-hole video inspection will be performed and field measurements will be made. The criteria used in selecting a well as water level monitoring location for the aquifer test is listed below.

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

Final monitoring well selection will be based on field inspection results and the criteria listed above. All well locations will be surveyed for location and elevation.

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

| <u>Time Since Pumping Start/Stop</u> | <u>Time Intervals Between Readings (Maximum)</u> |
|--------------------------------------|--|
| 0-5 min. | 0.5 min or as soon as possible |
| 5-15 min. | 1 min. |
| 30-60 min. | 10 min. |
| 60-360 min. | 30 min. |
| 360-1020 min. | 60 min. |
| 1020-1440 min. | 120 min. |
| 1-7 days | 4 hour |

Test Well No. 1 Design and Construction Method

The Applicant is proposing to construct a new test well (test well no. 1) completed in the Lower Treasure Valley Aquifer to perform an aquifer test. Test well no. 1 will be located in the SE¼ of the NW¼, Section 11, T. 4N, R. 1W. The well is designed as a 12-inch diameter single string welded assembly with 80 feet of screen. Total well depth is approximately 500 feet. Final screen placement and total well depth will be based on drilling results and subsurface conditions encountered in the field. The well will be drilled using a reverse circulation drilling method with drilling mud as needed. A 12-inch boring will be drilled to approximately depth of 500 feet to determine subsurface conditions. The 12-inch boring will then be reamed to 24 inches in diameter. An artificial sand filter pack will be placed adjacent to screen sections. A poured 1-inch to ¾-inch chip bentonite seal will be placed from the top of the artificial sand filter pack to the surface. Test well no. 1 will be

constructed to IDWR and IDEQ Public Water System well construction standards so that it can be a permanent well if the application is approved.

Test well no. 1 is designed with a target well capacity of approximately 1,000 gpm with a 1.5 safety factor. A temporary submersible pump system will be installed to produce a sustained pumping rate of 1,000 gpm for aquifer test purposes. Power will be supplied by a temporary on-site generator. At the completion of the aquifer test, the well pump and on-site equipment will be removed. Attached is a design drawing for test well no. 1.

Test Well No. 2 Design and Construction Method

A shallow depth production well (test well no. 2) is proposed to provide temporary drilling water for construction of test well no. 1. Test well no. 2 will be located approximately 100 feet away from test well no. 1 in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 11, T. 4N, R. 1W. Test well no. 2 is designed as a 6-inch well with an open interval between approximately 35 to 50 feet and a 20 foot deep chip bentonite well seal. The well will be drilled using an air rotary drill and drive method and will meet IDWR well construction standards. The well is designed to provide temporary drilling water at an estimate rate of 25 gpm or less and as needed to maintain water in the mud pit during the construction of test well no. 1. Test well no. 2 will be abandoned immediately following the construction of test well no. 1. Attached is a design drawing for test well no. 2.

The proposed schedule is to start construction of test well no. 1 and 2 immediately following approval of the drilling permits. Approximately three weeks is required to construct test well no. 1 and well 2. The aquifer test is scheduled to start approximately one week following the completion of the test wells. The aquifer test consisting of pre-test monitoring, pumping, and recovery phases, will be conducted for an approximate three week period. IDWR will be notified in advance the of start and completion dates of the aquifer test and test well construction.

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

Sincerely,
HOLLADAY ENGINEERING COMPANY

By: _____


Chris Duncan, P.G.

Mr. Gary Spackman
October 12, 2005
Page 6

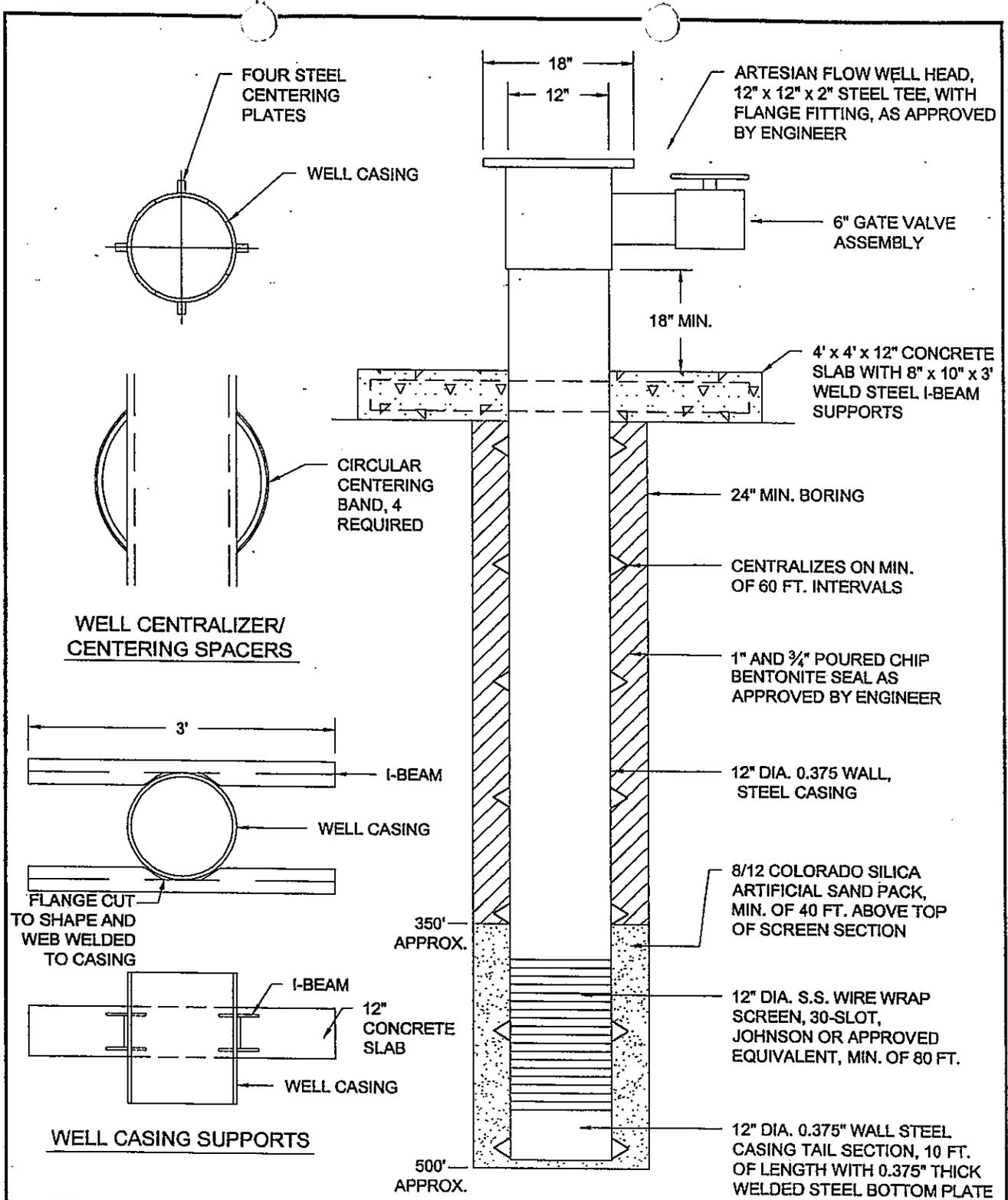
cc: City of Eagle, Mayor Merrill
MSBT, Bruce Smith, City Attorney
Protestants, Notice of Second Prehearing Conference and Order mailing list

Attachments:

Aquifer Test Map

Test Well No. 1 Design Drawing

Test Well No. 2 Design Drawing



NOTES:

- 1) ALL DEPTHS ARE APPROXIMATED FROM GROUND SURFACE, SCREEN AND SAND PACK MAY VARY PENDING DRILL RESULTS.
- 2) EST. SCREEN FLOW CAPACITY IS 4.46 CFS (2,009 GPM) AND 1.34 GREATER THAN WELL DESIGN TARGET OF 3.34 CFS (1,500 GPM).
- 3) STATIC WATER LEVEL IS EXPECTED TO BE ARTESIAN WITH 10-20 PSI OF PRESSURE.
- 4) WELL CONSTRUCTION MUST MEET IDEQ PUBLIC DRINKING WATER CONSTRUCTION STANDARDS.

NOT TO SCALE

HOLLADAY ENGINEERING CO.
ENGINEERS - CONSULTANTS
32 N. MAIN P.O. BOX 235 PAYETTE, ID 83661
(208) 642-3304 - FAX (208) 642-2159
EMAIL: hec@holladayengineering.com

REUSE OF DOCUMENTS
THIS DOCUMENT AND THE IDEAS AND DESIGN INFORMATION HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF HOLLADAY ENG. CO. AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF HOLLADAY ENG. CO.

TEST WELL NO. 1
CITY OF EAGLE, IDAHO

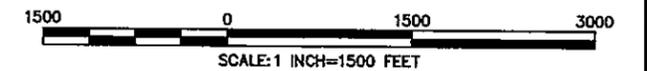
| | |
|--------------|-----------|
| JOB NO: | EG 081204 |
| DATE: | 8/30/05 |
| PLOTTED: | 10/10/05 |
| REVISION: | 10/10/05 |
| DESIGNED BY: | JLJ |
| CHECKED BY: | CHD |

CITY OF EAGLE PROPOSED AQUIFER TEST MAP



LEGEND:

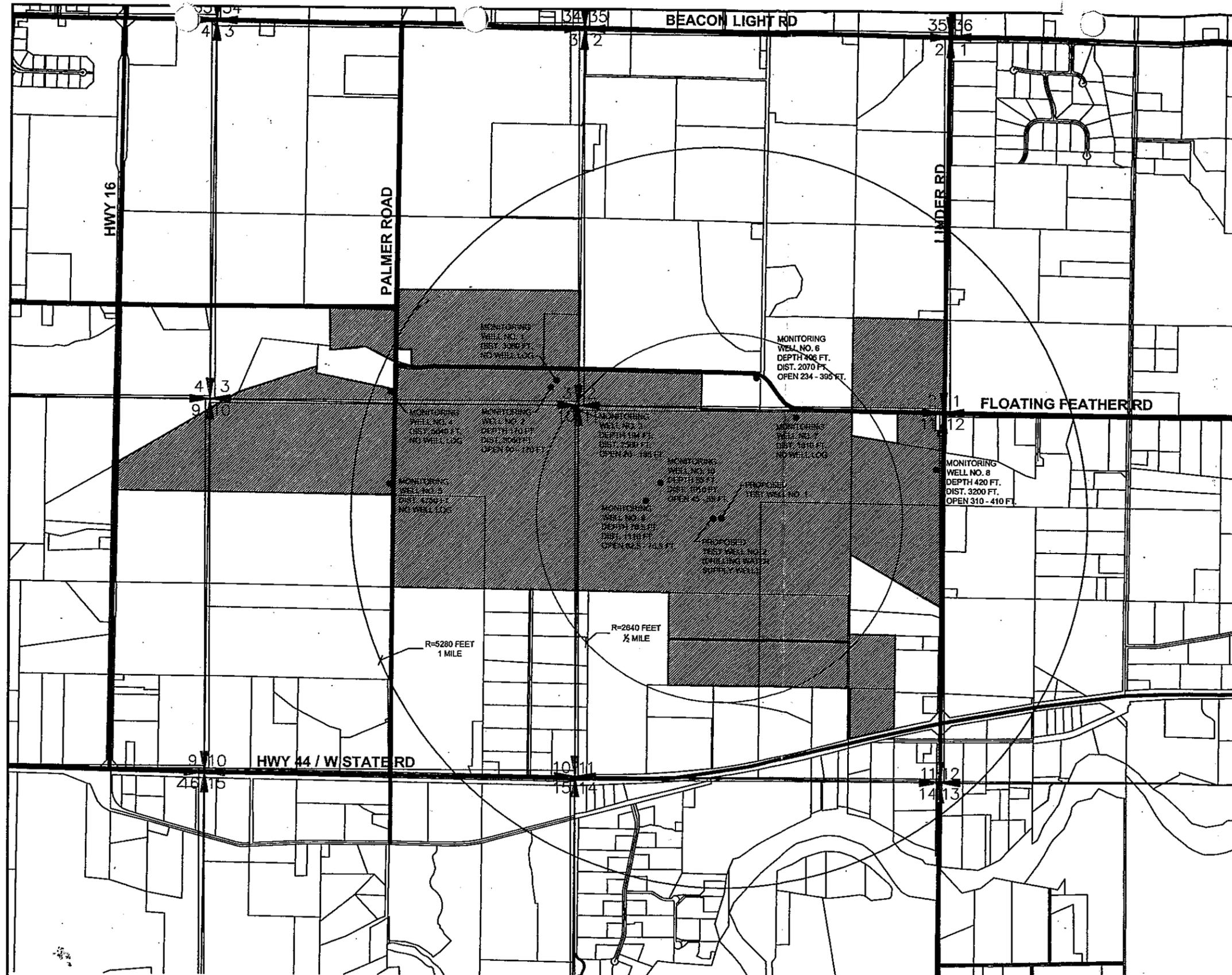
- PROPERTY OWNERSHIP**
- PROPOSED DEVELOPMENT
- TEST WELL**
- PUMPING WELL (TEST WELL NO. 1)
- MONITORING WELLS**
- SHALLOW AQUIFER ZONE WELL
 - INTERMEDIATE AQUIFER ZONE WELL
 - DEEP AQUIFER ZONE WELL
- 1/2 MILE - RADIAL DISTANCE FROM TEST PUMP WELL
- 1 MILE - RADIAL DISTANCE FROM TEST PUMP WELL
- ROADS
- PARCEL LINES
- SECTION LINES
- SECTION CORNERS



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

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

OCTOBER 2005



HOLLADAY ENGINEERING CO.
Copyright © 2005 by Holladay Engineering Co.
All Rights Reserved.
01/05/05/PRCP-AQUA.dwg
EAGLE layout

CERTIFICATE OF SERVICE

I hereby certify that on this 12TH day of October, 2005, a true and correct copy of the foregoing **Aquifer Test Proposal** was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

DANA & VIKI PURDY
5926 FLOATING FEATHER
EAGLE ID 83616

JOSEPH & LYNN MOYLE
c/o MICHAEL MOYLE
480 N. PLUMMER RD
STAR, ID 83669

MICHAEL McCOLLUM
1290 BUTTERFIELD
SAN ANSELMO CA 94960

MICHAEL & NANCY HEATH
401 N. PALMER LANE
EAGLE ID 83616

TIM CHENEY
PO BOX 190027
BOISE ID 83719

JERRY & MARY TAYLOR
3410 HARTLEY
EAGLE ID 83616

CORRIN & TERRY HUTTON
10820 NEW HOPE ROAD
STAR ID 83669

BOB & ELSIE HANSON
4151 HARTLEY ROAD
EAGLE ID 83616

RALPH & BARBARA WILDER
7320 W STATE STREET
EAGLE ID 83616

UNITED WATER ID INC
c/o SCOTT RHEAD
PO BOX 190420
BOISE ID 83719-0420

SAM & KARI ROSTI
1460 N. POLLARD LANE
STAR ID 83669

EUGENE MILLER
320 N PALMER LANE
EAGLE ID 83616

CHARLES MEISSNER JR
3101 N PALMER
EAGLE ID 83616

CHARLES HOWARTH
c/o GUNNER & MATT HOWARTH
833 N PALMER
EAGLE ID 83616

BILL FLACK
4035 HARTLYE ROAD
EAGLE ID 83616

RONALD SCHREINER
2153 N POLLARD LANE
STAR ID 83669

CITY OF STAR
c/o ROD LINJA
131 SW 5TH SVE STE A
MERIDIAN ID 83642

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

SCOTT AND NANCY REESER
499 N LINDER ROAD
EAGLE ID 83616

LEEROY & BILLIE MELLIES
6860 W STATE STREET
EAGLE ID 83616

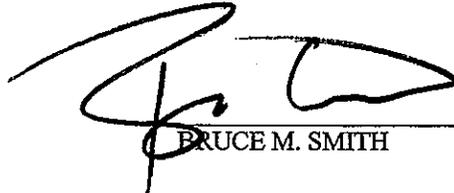
DEAN & JAN COMBE
6440 W BEACON LIGHT
EAGLE ID 83616

NORMA MARES
23966 BLESSINGER ROAD
STAR ID 83669-5016

JULIE K FISHER
WHITE PETERSON
5700 FRRANKLIN ROAD
NAMPA ID 83687

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

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



BRUCE M. SMITH

United Water



101403 - 63-32010

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

October 27, 2005

FILE COPY

RECEIVED

OCT 31 2005

MSB & T, CTD.

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

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

Dear Rob:

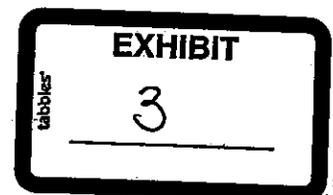
At the second pre-hearing conference on October 18, 2005, protestants were instructed to submit comments regarding the Aquifer Test Proposal by Holladay Engineering Company in their letter dated October 12, 2005. United Water Idaho has reviewed the proposal and believes the proposed aquifer test will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

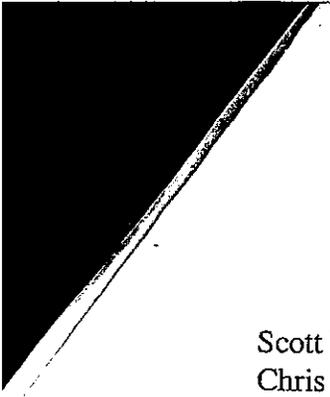
At the time of the second pre-hearing conference, none of the ten potential monitoring wells could be verified as being both appropriate and accessible. This is understandable given the short time between the City of Eagle's decision to perform an aquifer test and the second pre-hearing conference. It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

Sincerely,

Roger Dittus PG
Hydrogeologist

cc: Gary Spackman, IDWR





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

1019-03
63-32090
COYRES

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

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

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

October 24, 2005

RECEIVED
OCT 25 2005
MSB & T, CTD.

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

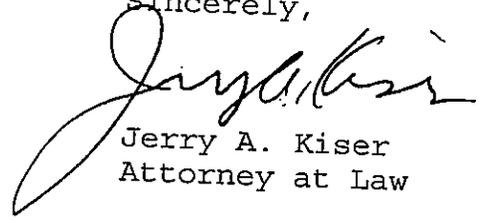
Re: City of Eagle Water Right
Application Nos. 63-32089 and 63-32090

Dear Bruce:

Enclosed are the comments and suggestions prepared by Tom Wood with Clearwater Geosciences, LLP regarding the proposed well and pump test. I have not forwarded this correspondence to Chris Duncan with Holladay Engineering and ask that you make sure he receives this information.

If you have any questions, please feel free to contact me.

Sincerely,



Jerry A. Kiser
Attorney at Law

JAK:jf

Enclosures

cc: Star Sewer & Water
Tom Wood

Clearwater Geosciences, LLP

Tom Wood
Clearwater Geosciences, LLP
510 East 17th Street, Suite 205
Idaho Falls, ID 83404
Phone 589-5555 FAX 542-1489

October 19, 2005

Jerry A. Kiser
Stoppello & Kiser
620 West Hays St.
Boise, ID 83702

RE: Final Evaluation of City of Eagle Application for Test West

Dear Jerry:

I have reviewed the Aquifer Test Proposal for the City of Eagle prepared by Holladay Engineering Co., dated October 12, 2005. This letter supersedes my letter dated October 17, 2005 on the same subject.

Mr. Chris Duncan (Holladay Engineering) states in Paragraph 2 on Page 1 of his letter to Mr. Gary Spackman as follows "*The aquifer test is designed to gather site specific hydrogeologic information in the Lower Treasure Valley Aquifer system and to serve as a basis for further analysis.*" I take this statement to be the objective for this pumping test. However, as designed this test will not gather very much hydrogeologic information about the deep zone of the aquifer system and the test results will be biased towards showing a minimal impact to the aquifer in general and the deep aquifer in particular.

Item 1 *Bias of data caused by using mostly shallow observation wells*

Only two of the ten observation wells are known to tap the deep aquifer and none monitor the entire zone tapped by the test well. Please refer to Table 1 for details on the observation wells. Figure 1 shows the problem with most of the selected wells – they just are not deep enough and are not open to the same geologic horizon. This is a significant issue because it is known from age dating of aquifer waters and vertical head profiling that communication between zones is very limited or non-existent. In addition, 4 of the wells have unknown depths, which renders the data collected from them marginal at best (please note that I used the average depth of wells for monitoring wells with unknown depths on Figure 1). These wells will have to be surveyed and video-logged to determine their open interval to make them useful for the test (as stated in the test plan). Another problem with the observation wells is that they are open across multiple layers as defined by Petrich and Urban (2004). This may cause co-mingling of waters across zones, further masking drawdown generated by the pumping well.

As designed, the test pumping will generally show very little drawdown (if any) in the shallow observation wells. My concern is that this may be mistakenly construed as meaning that the new well(s) will have little effect on the aquifer. Furthermore, the test will not significantly improve the understanding of the deep aquifer. To remedy this problem at least five additional deep observation wells (350 to 500 ft bls) need to be found.

Item 2 *Lack of appropriate distance-drawdown data*

The Holladay report states on Page 3, Paragraph 3 that the radial distance of the observation wells ranges between 500 and 5,100 feet. This is not true, all of the observation wells are greater than

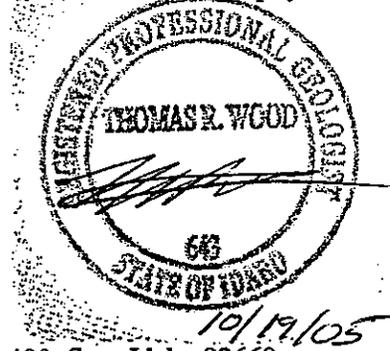
Clearwater Geosciences, LLP

should prepare cross sections using the available data in order to understand the site-specific data and define the bounds of the shallow, intermediate and deep aquifers. The open portion of the well will cross the boundary between the intermediate and lower aquifer and allow co-mingling of waters. This needs to be corrected. I note that the well seal is planned to be constructed by gravity dropping bentonite chips in the annular space. With the casing centralizers, I am concerned that bridging may occur. Isn't cement grout tremied in place a better way to install the well seal in this situation? There is no mention of well development. It is critical that the well be developed prior to the test. This should be specified. I recommend that geophysical well logs be run to clearly identify water bearing zones.

Respectfully,



Thomas R. Wood
Idaho Registered Geologist, #643



cc

Star Sewer and Water District, Jack Kirtley, P.O. Box 400, Star, Idaho 83669
Keller Associates, Justin Walker, 131 S.W. 5th Ave., Suite A, Meridian, Idaho 83642

Clearwater Geosciences, LLP

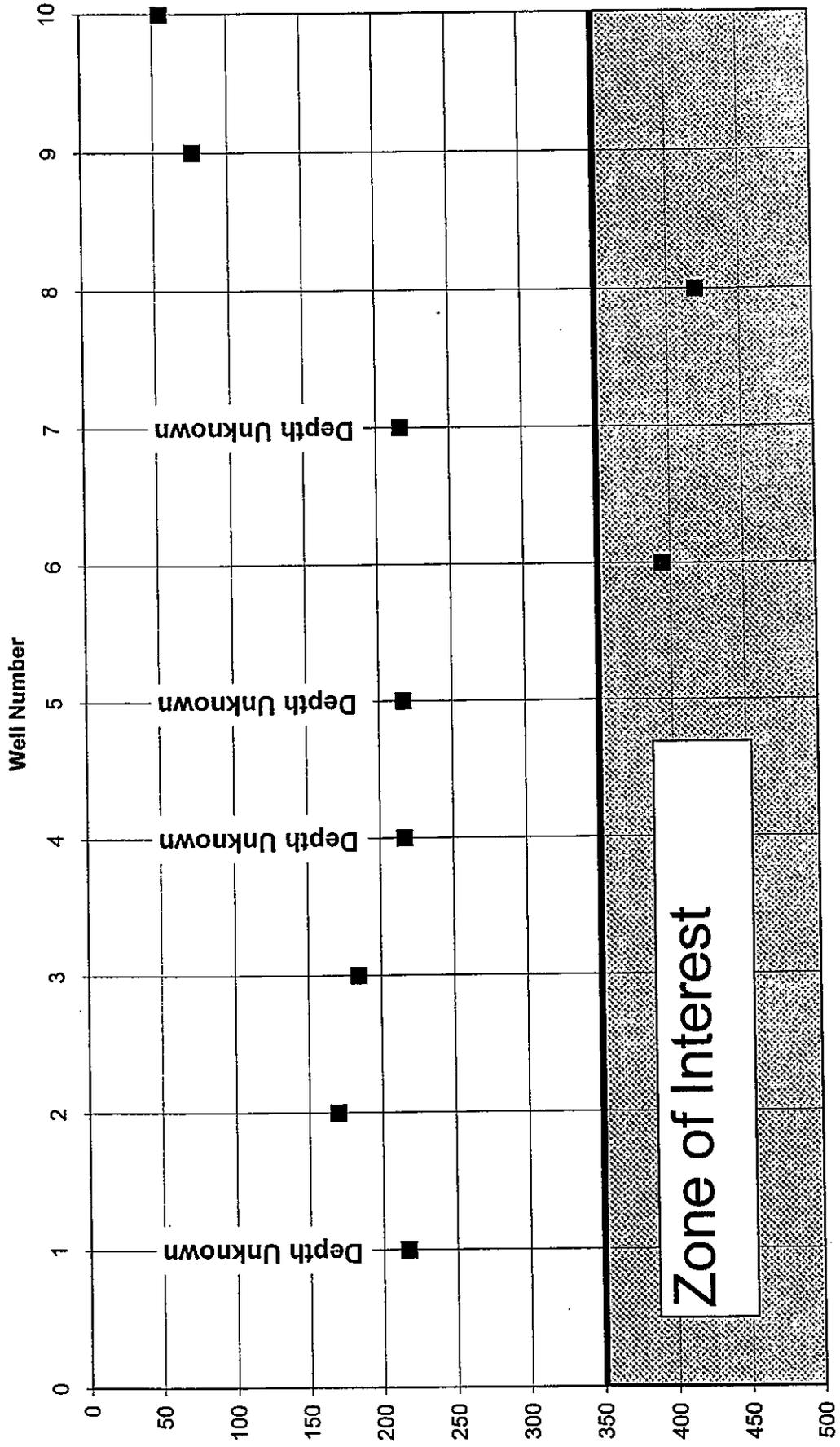
Table 1 Observation Wells

| Well No. | Depth | Radial Distance | Zone | |
|----------|-----------|-----------------|--------------------|--|
| 1 | Unknown | 3,060 | Unknown | |
| 2 | 90-170 | 3,060 | Shallow | |
| 3 | 20-185 | 2,580 | Shallow | |
| 4 | Unknown | 5,040 | Unknown | |
| 5 | Unknown | 4,760 | Unknown | |
| 6 | 234-395 | 2,070 | Intermediate | |
| 7 | Unknown | 1,810 | Unknown | |
| 8 | 310-420 | 3,200 | Intermediate- Deep | |
| 9 | 62.5-76.5 | 1,110 | Shallow | |
| 10 | 45-55 ft | 1,010 | Shallow | |
| | | | | |

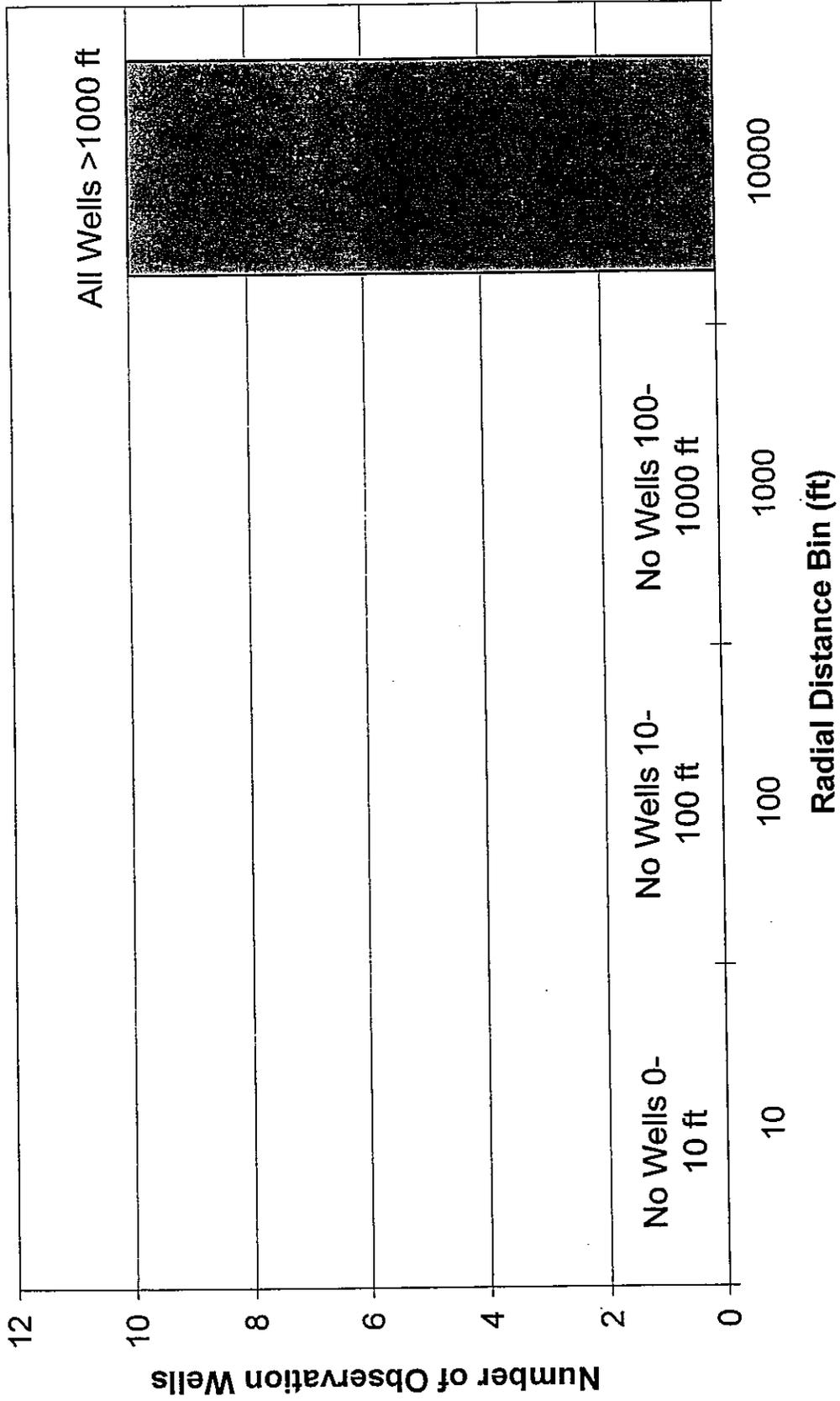
Pumping Well

| Well No. | Depth | Radial Distance | Zone | |
|-------------|---------|-----------------|---------------------|--|
| Test Well | 350-500 | 0 | Intermediate - Deep | |
| Test Well 2 | 35-50 | 100 | | |

Depth of Observation Wells



Radial Distance of Observation Wells



1019-03

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

December 22, 2005

RECEIVED

JAN 6 - 2006

MSB & T, CTD.

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

RE: Approval of Pump Test Plan – City of Eagle (Water Rt. Appl. No. 63-32089 & 63-32090).

Dear Mr. Duncan:

The Idaho Department of Water Resources (Department) has completed a final review of the revised Pump Test Plan submitted by Holladay Engineering Company. The Department concludes that this plan is acceptable. The plan is hereby approved and will be attached to the City of Eagle drilling permits (see conditions #16 & #17 of the drilling permits). As we discussed in our telephone conversation of December 21, 2005, the Department requests the following additions or modifications to the plan:

- 1) Barometric pressure should be monitored and recorded to coincide with all water level measurements both pre-test and during the test.
- 2) Maximum frequency of water level measurements should not exceed 1 hour.
- 3) Raw data will be submitted to the Department within 10 days of completing the test.
- 4) A "step-test" will be performed on test wells No. 1 & 2 to determine specific capacity, prior to conducting the actual pump test.

If you have any questions concerning this letter, please contact me at this office.

Respectfully,

ROBERT B. WHITNEY
Sr. Water Resource Agent

EXHIBIT
4

RECEIVED
DEC 23 2005
HOLLADAY ENGINEERING CO.
PAYETTE, ID

1019-03



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

RECEIVED

JAN 5 - 2006

MSB & T, CTD.

December 26, 2005

Distribution to parties involved with pending water right application No.'s 63-32089 & 63-32090 (protested), in the name of the City of Eagle

RE: Test well drilling and pump test plan.

Dear interested party:

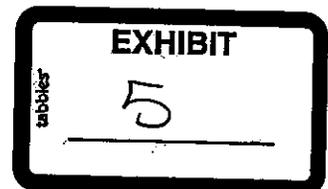
In response to issues discussed at a pre-hearing conference held October 18, 2005, the Idaho Department of Water Resources (Department) has reviewed the comments submitted relative to the proposed pump testing and construction of test wells by the City of Eagle. At the Department's request, Holladay Engineering Company has submitted a revised pump test plan in consideration of these comments.

Department hydrologists have reviewed the revised plan and find this plan acceptable. The Department has issued drilling permits for construction of two wells. One well is to be used as the pumping well for the test and the second to be used as an additional monitoring well completed in the same aquifer as the pumping well. The Department intends to closely monitor construction of these wells to assure proper completion and has required submittal of a final well completion plan after drilling and logging of the pilot holes. Additionally, the City of Eagle has agreed that periodic and final reports of the data collected during drilling and pump testing will be submitted to the Department.

Any questions concerning this matter should be directed to Rob Whitney of this office.

Respectfully,

JOHN WESTRA
Manager, Western Region



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of December, 2005 a true and correct copy of the foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

DANA & VIKI PURDY
5926 FLOATING FEATHER
EAGLE ID 83616

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

MICHAEL MCCOLLUM
1290 BUTTERFIELD
SAN ANSELMO CA 94960

MICHAEL HEATH
NANCY HEATH
401 N PALMER LN
EAGLE ID 83616

TIM CHENEY
PO BOX 190027
BOISE ID 83719

BOB & ELSIE HANSON
4151 HARTLEY RD
EAGLE ID 83616

JERRY & MARY TAYLOR
3410 HARTLEY
EAGLE ID 83616

CORRIN HUTTON
TERRY HUTTON
10820 NEW HOPE RD
STAR ID 83669

SAM & KARI ROSTI
1460 N POLLARD LN
STAR ID 83669

EUGENE MULLER
320 N PALMER LN
EAGLE ID 83616

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

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

BILL FLACK
4035 HARTLEY RD
EAGLE ID 83616

CHARLES MEISSNER JR
3101 N PALMER
EAGLE ID 83616

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

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1910 N MOUNTAIN VISTA LN
STAR ID 83669

RONALD SCHREINER
2153 N POLLARD LN
STAR ID 83669

RALPH & BARBARA WILDER
7320 W STATE ST
EAGLE ID 83616

DEAN & JAN COMBE
6440 W BEACON LIGHT
EAGLE ID 83616

LEEROY & BILLIE MELLIES
6860 W STATE ST
EAGLE ID 83616

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

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

NORMA MARES
23966 BLESSINGER RD
STAR ID 83669-5016

JERRY KISER
STOPPELLO & KISER
620 W HAYS
BOISE ID 83702

MIKE DIXON
RT 1 2650 WING RD
STAR ID 83669

SCOTT & NANCY REESER
499 N LINDER RD
EAGLE ID 83616

IDWR - WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705-5082

AL SHOUSHARIAN
1119 N EAGLE RD
EAGLE ID 83616


Sue Kreger, Administrative Assistant

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

FILE COPY

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

ORDER CONTINUING
HEARING AND CANCELING
PREHEARING DEADLINES

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

ORDER

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

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

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

Dated this 10th day of March, 2006.


Gary Spackman
Hearing Officer





HOLLADAY ENGINEERING CO.

ENGINEERS • CONSULTANTS

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

May 15, 2006

RECEIVED

MAY 17 2006

MSB & T, CTD.

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

Subject: Proposed Start Date and Modifications to the Approved 7-Day Aquifer Test for the City of Eagle, Applications for Water Appropriation 63-32089 and 63-32090
HECO NO. EG061204 and EG 013305

Dear Mr. Whitney,

We have completed construction of Test Well No. 1 (Legacy well) and Test Well No. 2 (Eaglefield well) and are ready to proceed forward with the 7-Day Aquifer Test under Application for Appropriation 63-32089 and 63-32090. We have scheduled the 7-Day Aquifer Test to start pumping on June 1, 2006 at 10:00 am.

We are proposing to make two changes to the Aquifer Test based on additional information gathered in the field. We propose to move the pumping well location from Test Well No. 1 (Legacy well) to Test Well No. 2 (Eaglefield well). The specific capacity test results for Test Well No. 1 shows the well does not have enough capacity to be pumped at 1,500 gpm for 7-days. The specific capacity chart for Test Well No. 1 is attached. As a result, we plan to use the Test Well No. 2 as the pumping well for the Aquifer Test. Preliminary test shows Test Well No. 2 has sufficient capacity to conduct the Aquifer Test at a pumping rate of 1,500 gpm for 7-days. Specific well capacity was calculated in the range of 80 gpm/ft with a measured static water level of 18.7 feet and artesian flow of approximately 1125 gpm.

The second proposed change to the Aquifer Test involves Monitoring Well No. 6 (Tom Ricks well). Permission to use this well has been withdrawn by Mr. Ricks. The City of Eagle is attempting to obtain monitoring access to the well. If access is not granted before June 1st, the well will be eliminated as a water level monitoring location for the test.



Mr. Rob Whitney
May 15, 2006
Page 2

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

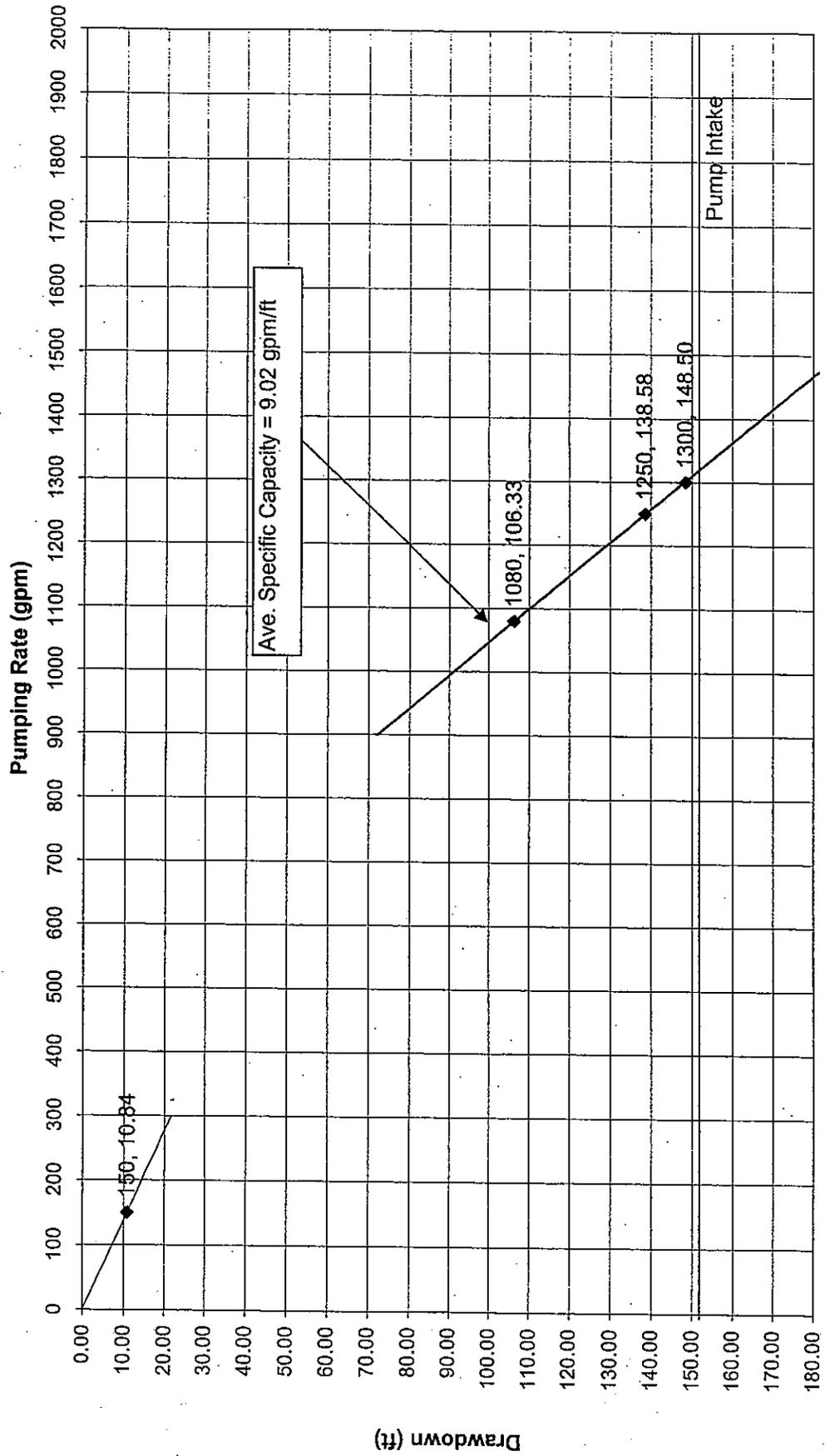
Sincerely,
HOLLADAY ENGINEERING COMPANY

By: 
Chris Duncan, P.G.

cc: Mayor Merrill, City of Eagle
Bruce Smith, MSBT, City of Eagle Attorney
Jerry Kiser, Stoppello and Kiser, Star Water and Sewer Attorney

Attachment

STEP PUMP TEST of TEST WELL No. 1 (Legacy)
March 24th 9:15am to 2:30 pm
Specific Capacity



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

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

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

May 30, 2006

Bruce M. Smith
MOORE SMITH BUXTON & TURCKE, CHARTERED
225 N. 9th Street, Suite 420
Boise, ID 83702

RECEIVED
MAY 31 2006
MSB & T, CTD.

Re: City of Eagle Water Right Applications/Pump Test

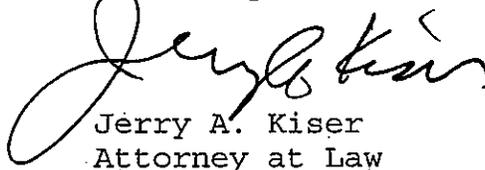
Dear Bruce:

I have contacted our engineer regarding monitoring of the Star Sewer & Water District wells during the City of Eagle's pump test. Mr. Wood has informed me due to the fact that the Star Sewer & Water District's well is now pumping frequently due to high water demand, any data collected during the test will be overwhelmed by pumping of the Star Sewer & Water District's deep well. Therefore, the decision was made not to install monitoring equipment in the Star Sewer & Water District wells to conduct monitoring during the pump test.

In speaking with Tom Wood, Star Sewer & Water District's engineer, in this matter, apparently we have not received the attachment (specific capacity chart for test well no. 1) to Mr. Duncan's letter of May 15, 2006 sent to Rob Whitney with the Department of Water Resources. I am again requesting that this attachment be provided. We also requested the radial distance from the new test well to monitoring wells be provided if this has been prepared by Mr. Duncan.

I appreciate your consideration.

Sincerely,


Jerry A. Kiser
Attorney at Law

JAK:hz
cc: Jack Kirtley

