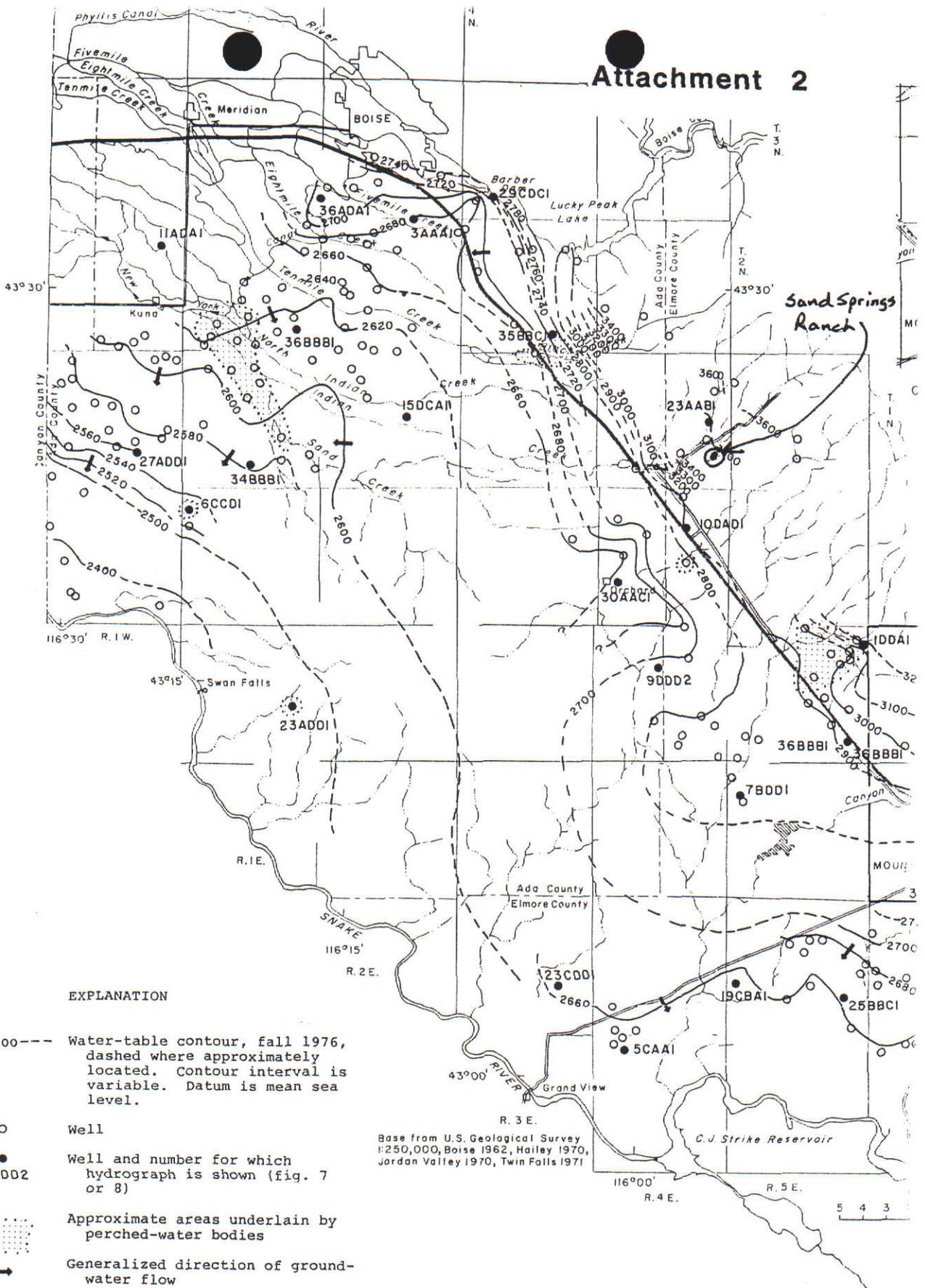


Attachment 2



EXPLANATION

-  2600 --- Water-table contour, fall 1976, dashed where approximately located. Contour interval is variable. Datum is mean sea level.
-  Well
-  Well and number for which hydrograph is shown (fig. 7 or 8)
-  Approximate areas underlain by perched-water bodies
-  Generalized direction of ground-water flow

Base from U.S. Geological Survey 1:250,000, Boise 1962, Hailey 1970, Jordan Valley 1970, Twin Falls 1971

MICROFILMED FIGURE 6. WATER-TABLE CONTOURS, PERCHED-WATER ZONES, AND WELLS IN THE MOUNTAIN HOME PLATEAU AREA, IDAHO

APR 13 1999

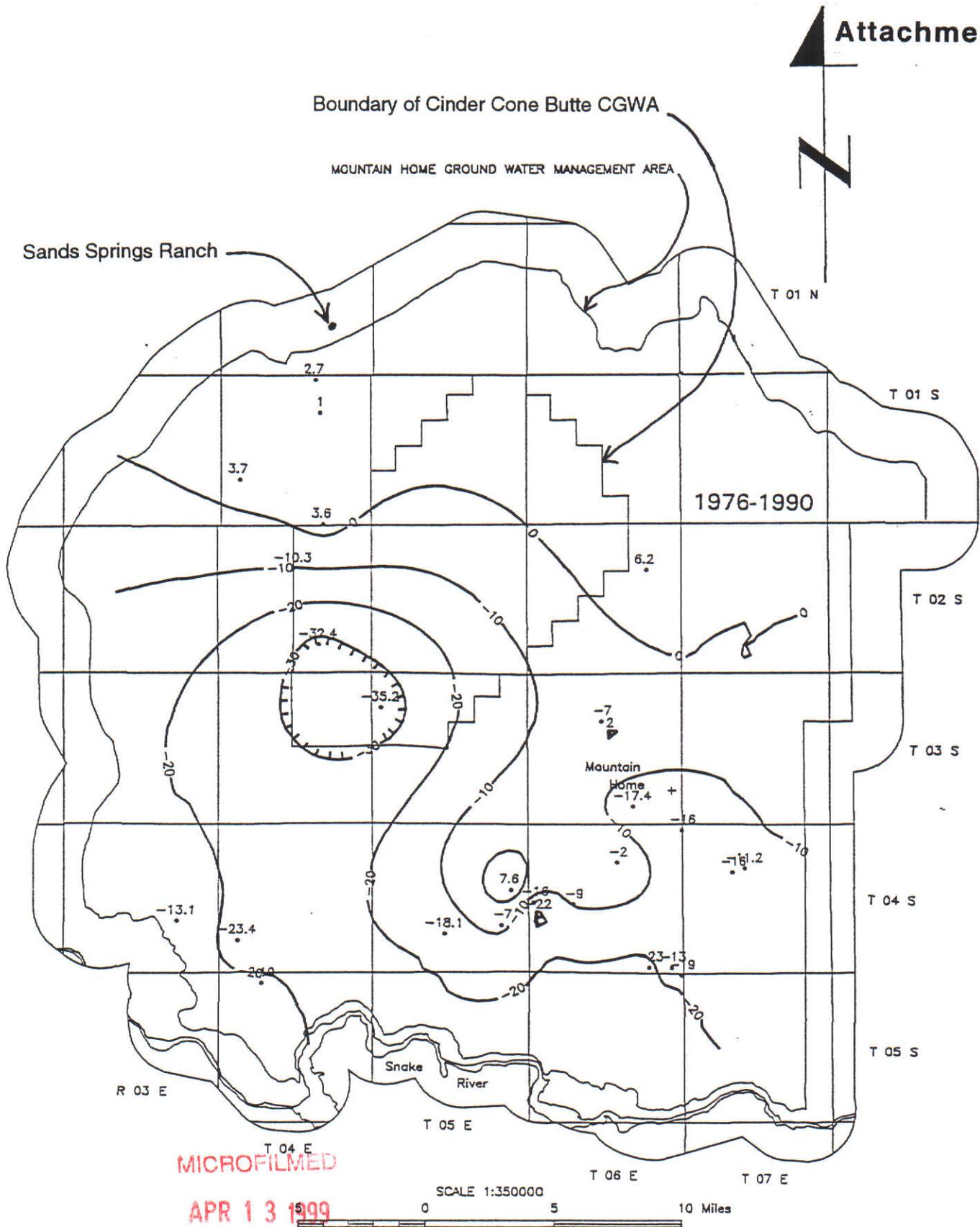


Figure 10. Water Level Change Map: Regional System

State of Idaho
 Department of Water Resources
Permit To Appropriate Water

NO. 63-12447

Proposed Priority: April 28, 1998 Maximum Diversion Rate: 4.00 CFS

This is to certify, that SAND SPRINGS RANCH & CO
 PO BOX 399
 FAIRFIELD ID 83327-0399
 has applied for a permit to appropriate water from: GROUNDWATER
 and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	4.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 24, Township 01N, Range 04E
 NWSW , Sec. 24, Township 01N, Range 04E
 SWSW , Sec. 24, Township 01N, Range 04E
 SESE , Sec. 24, Township 01N, Range 04E
 Lot 2 (SWNW), Sec. 19, Township 01N, Range 05E
 ELMORE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N 04E 24	NENE 30.0	NWNE 20.0	SWNE 40.0	
	SENE 40.0	NESW 40.0	NWSW 30.0	
	SWSW 30.0	SESW 30.0	NESE 40.0	
	NWSE 40.0	SWSE 20.0	SESE 20.0	380.0
05E 18 Lot 4 (SWSW)	10.0	SESW 30.0	NESE 30.0	
	NWSE 10.0	SWSE 30.0	SESE 10.0	120.0
19	NENE 40.0	NWNE 40.0	SWNE 40.0	
	SENE 40.0	NENW 40.0 Lot 1 (NWNW)	40.0	
	Lot 2 (SWNW) 40.0	SENE 40.0	NESW 20.0	
	Lot 3 (NWSW) 20.0 Lot 4 (SWSW)	20.0	SESW 20.0	
	NESE 20.0	NWSE 20.0	SWSE 20.0	
	SESE 20.0			480.0

Total number of acres irrigated: 980.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 2004.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

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SEP 1 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12447

CONDITIONS OF APPROVAL AND REMARKS

4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code, any any specific well construction requirements of the drilling permit.
8. This right is limited to the irrigation of 200 acres within the place of use described above in a single irrigation season.
9. Water bearing zone to be is between 400 and 1000 feet.

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

10 ^{*th*} day of March, 1999.

Karl J. Dreher

for Karl J. Dreher, Director

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APR 18 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JAN 04 1999

OFFICERS:

To appropriate the public waters of the State of Idaho

DEPARTMENT OF WATER RESOURCES

* Tom N. Ambrose - Mgr Partner, Leanne Ambrose - General Partner

1. Name of Applicant Sand Springs Ranch & Company Phone 208-764-3131
Mailing address P.O. Box 399, Fairfield, ID 83327

2. Source of water supply groundwater which is a tributary of NA

3. Location of point of diversion is Township _____ Range _____ Sec. _____, in the _____ 1/4, _____ 1/4, _____ 1/4, Govt. Lot _____, B.M., _____ County;
additional points of diversion if any: see attached

4. Water will be used for the following purposes:
Amount 4.0 for irrigation purposes from 3/15 to 11/15 (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) 4.0 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 2-3 wells, maximum depth of 1000 feet, turbine pumps, pipelines, sprinklers
b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total reservoir capacity NA acre-feet
c. Proposed well diameter is 16 inches; proposed depth of well is 500 to 1000 feet
d. Is ground water with a temperature of greater than 85°F being sought? no
e. If well is already drilled, when? NA; Drilling firm NA
Well was drilled for (well owner) NA; Drilling Permit No. NA

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. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

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APR 13 1999

* Per telecom with Terry Scanlon 5/11/98. lg

9. 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													
1N	4E	24	30	20	40	40					40	30	30	30	40	40	20	20	380
1N	5E	18										10	30	30	10	30	10		120
		19	40	40	40	40	40	40	40	40	20	20	20	20	20	20	20	20	480

Total number of acres to be irrigated 200
 (980-acre permissible place of use)

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? applicant

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: NA

12. Remarks: This application proposes irrigation of 200 acres within a 980-acre permissible place of use. Five diversion points are listed. However, only two or three wells will likely be drilled.

REMARKS

Water bearing zone to be appropriated for source considered tributary to Snake River is between 400 and 1000 feet. Applicant agrees to mitigate consumptive use in the future as needed for 200 acres per season within total place of use.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"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.

MICROFILMED

APR 13 1999

[Signature] Managing Partner
 Signature of Applicant (and title, if applicable)

Received by _____ Date 4/28/98 Time _____ Preliminary check by ly
 Fee \$ 160.00 Received by AT # W623821 Date 4-30-98
 Publication prepared by AT Date 5-14-98 Published in Mtn Home News
 Publication approved _____ Date 6-12-98 5-20 +27-98

* water bearing zone per telecon with Terry Scanlon
 5/11/98. ly

Location of Points of Diversion:

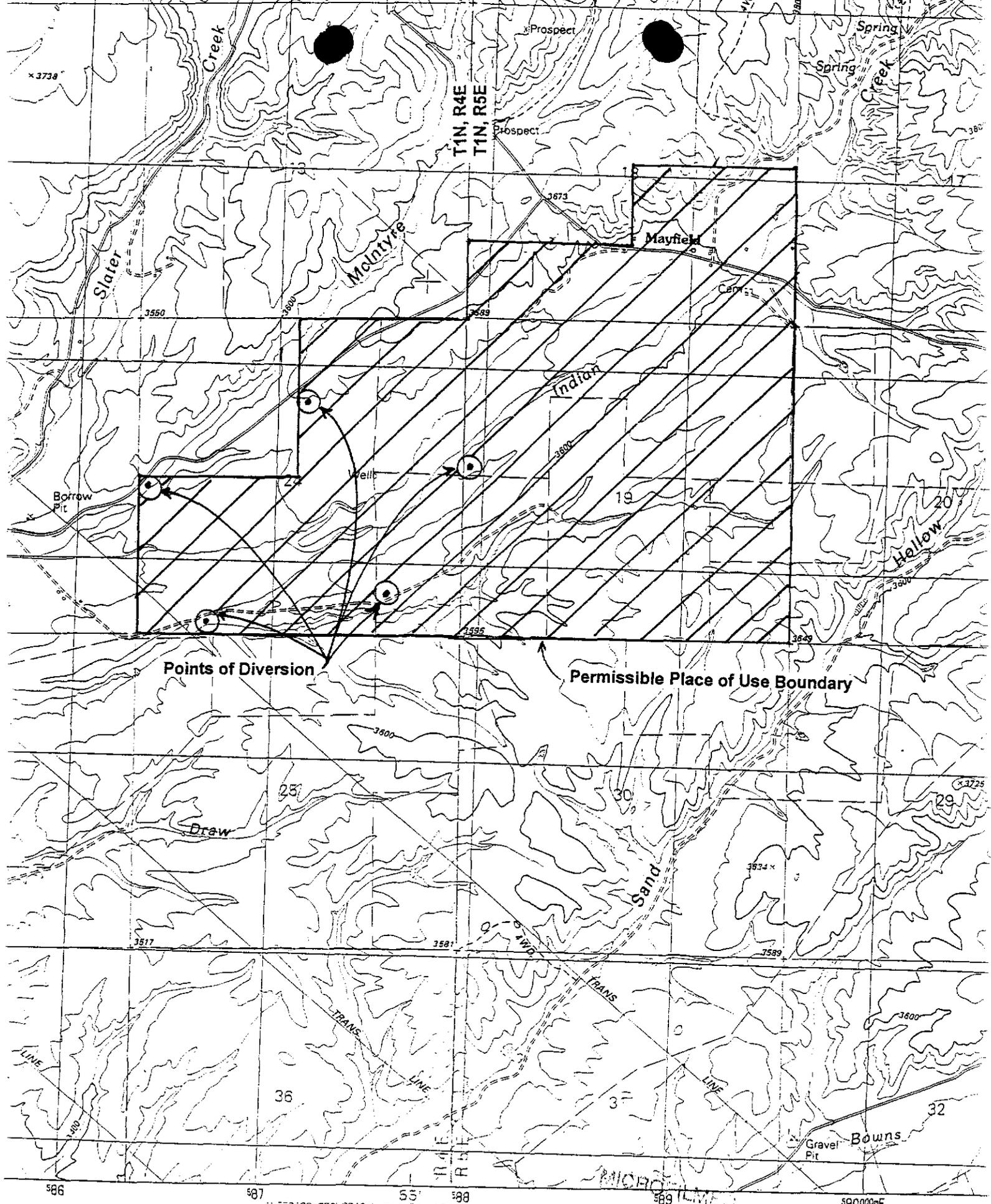
1/4	1/4	Sec.	Twp.	Rge.	County
SW	NE	24	1N	4E	Elmore
NW	SW	24	1N	4E	Elmore
SW	SW	24	1N	4E	Elmore
NESE	NESE	24	1N	4E	Elmore
--SW	NW	19	1N	5E	Elmore

Gov Lt 2
*

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APR 13 1968

Per attached map and telecon w/ Terry Scanlon 5/11/98. lg



SCALE 1:24 000

1 KILOMETER

INTERIOR GEOLOGICAL SURVEY, WASHINGTON, VIRGINIA, 1902

APR 13 1902

ROAD LEGEND

RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

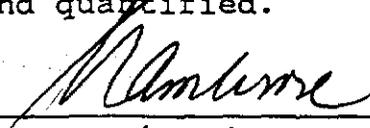
Name of Applicant Sand Springs Ranch & Company

Mailing Address P.O. Box 399

Fairfield, ID 83327

Application No. _____

Mitigation Yes, I agree to accept a condition of approval on my application that will require mitigation related to fishery resources based upon a finding by the Director, Idaho Dept. of Water Resources. I understand that mitigation is not needed now but may be needed in the future. I also understand that the Director will not invoke this condition until I have an opportunity to participate in the process by which mitigation is identified and quantified.

Signature 

Date 4/15/98

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-6082

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APR 13 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 24, 1999

SAND SPRINGS RANCH & CO
PO BOX 399
FAIRFIELD ID 83327-0399

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12447

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure

APR 13 1999

to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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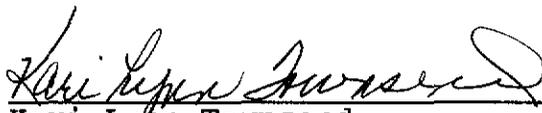
APR 13 1999

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of March, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 63-12447

SAND SPRINGS RANCH & CO
PO BOX 399
FAIRFIELD ID 83327-0399



Kari Lynn Townsend
Secretary

MICROFILMED

APR 13 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED

MEMO

To: File No. 63-12447 (Sand Springs)
From: Gary Spackman *Gary*
Subject: Recommendations for Approval
Date: March 1, 1999

Recommended conditions contained in a previous memorandum dated December 17, 1998, were not acceptable. This memorandum replaces the previous memorandum.

Application no. 63-12447 was filed on April 28, 1998. The application proposes diversion of ground water from a geographical area still within the Treasure Valley but in its eastern reaches. The applicant requested through Terry Scanlan of Scanlan Engineering that this application be considered even though IDWR suspended processing of applications in the Treasure Valley after removal of the moratorium for the Boise River Basin in 1993. Scanlan requests that IDWR process the applications, referring to "item 9.b of the amended moratorium order dated April 30, 1993," which contains the same language as application processing memo no. 59 related to processing of applications to appropriate water in the lower Boise River. The operative language is contained in paragraph 7.b.) which states that an application will be processed if:

The director determines that the development in use of the water pursuant to an application will have no effect on prior surface and ground water rights because of its location, insignificant consumption of water, or mitigation provided by the applicant to offset injury to other rights.

Terry Scanlan wrote a letter to me on April 23, 1998, outlining reasons why application no. 63-12447 could be approved. He argues that the appropriation of water will not affect other water users in the area, it is proposed in an area where ground water levels are not declining, and the ground water in the area where the wells are proposed is tributary to the Snake River, not the Boise River.

When I first reviewed this application, I thought it proposed 980 acres of irrigation. I initially thought that the application would be subject to the individual tests for evaluating significant reduction under the water appropriation rules. A more careful reading reveals that only 200 acres were proposed to be irrigated. Any proposed place of use of 200 acres or less is presumed to not reduce the flow at Murphy gauge by more than two (2) acre feet per day.

After having reviewed the Swan Falls tests, I determined that IDWR should wait to process this application until the pending standards for the ground water management area and area of drilling concern are adopted. Because of delays in creating the areas and adopting

MICROFILMED

APR 13 1999

File No. 63-12447 (Sand Springs)

Page 2

March 1, 1999

standards, I have decided that this application should be forwarded to the state office for consideration. I recommend the following conditions:

1. The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code, and any specific well construction requirements of the drilling permit.
2. 120

CC: Steve Lester

MICROFILMED

APR 13 1999

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindylon*

No.: 63-12447 Name: Sand Spr Ranch Date: 1/4/99 Ad OK? Gvmt Lts:

AREA OF CONCERN:

- No/Yes: BRT Mor / _____ GWMA / Trust / Non-trust

PROTESTED:

- 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year - 26AP17
≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

~~WMD~~ (✓ MAP) - North / East / West
> 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
≤ 0.24 cfs/5 acres - No MD
WMD Supplemental use - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
> 0.24 cfs/5 acres - 01M (report when notified)
≤ 0.24 cfs/5 acres - No MD

DRILLING PERMIT:

All wells (✓ WDQ3) - 046P23
In Basin 34? - 085
Irr. within WD - P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED: - Yes / No; RESPONSE: _____
IN/ABOVE MIN. STR. FLOW (✓ MAP) - *WB9
WD (✓ MAP & LISTING) - R04 (WD # _____)
> 0.10 cfs - 01J-P08 (MD & LD)
≤ 0.10 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)
> 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

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

USE:

Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
>1 in rest. area - 071-070
Fire Protection - 077
Fish Propagation - 029(70's only)-007-042(req)-081 (WQ)-P10
Heating/Cooling - R07 (injection well)
Irr ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
> 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
Mining - 054(req)-081-P10
Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
Power - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);
17G (FERC) or 17M (FERG); 18B-P09; >25 cfs-P18
Stockwater - R37 (BLM/USFS); NA
Storage (✓3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area - P84 (in 20/30/40/50/60/70/80 (87) basin)
Boise Front LoGeo - 058 (<85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Mitigation - 120

SWAN FALLS FLAG (See Code Chart)

Trust - B
Non-Trust (1) - 051-052-053-P74 (Consumptive Uses), NA
- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU) _____

OTHER CONDITIONS:

- _____

STANDARD REMARKS:

- _____

BENEFICIAL USE DUE:

- 12/1/2004

COMMENTS:

- _____

RECEIVED

JAN 04 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

INITIAL REVIEW BY: Ly

DATE: 5/11/98

APPLICATION: 63-12447

REQUIRED INFORMATION

- Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- Address:
- Source: (See USGS Quad for names of water sources)
- Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- County:
- Quantity: (flow and/or volume)
- Period of use:
- Nature of proposed use: (Include description of use)
- Description of diverting works:
- Time required for beneficial use of water:
- Place of use or acres irrigated:
- Map: (show T, R, S, QQ &/or QQQ)
- Subdivision plat: (for > 1 home in restricted area. ≥ 5 homes in non-restricted area)
- Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- Correct fee paid

Gov't. Lots:
 P/D
 P/U

ADDITIONAL INFORMATION

to do ADVERTISE REMARK(S)
(Reviewer identify which remarks)

to do T FLAG CHANGED TO P FLAG

YES NO

- Overlapping place of use: (Describe source & relationship to present application on next page.)
- Overlapping point of diversion.
- Critical groundwater area:
- Groundwater management area:
- 1992 moratorium:
- Bull trout impact area
- E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- E-mail to Dam Safety staff: (for any storage)
- Mitigation plan: Check any that apply.
 immediate = acceptable plan required and submitted.
 future = open areas, acceptance of condition of approval is in file.
- Send power requirement letter:
- Send fish farm requirement letter:
- Power residency affidavit:
- Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

*list of officers, water bearing zone
per telecon w/ Terry Scanlon*

PROCESSING

APP. NO. 13-

YES NO

In form for advertising:
 Statewide advertising: (> 10 cfs &/or 1000 af)
 Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

I.D. Health & Welfare
 I.D. District Health
 I.D. Fish & Game
 I.D. Lands

YES NO

U.S. BLM
 U.S. Forest Service
 Water Dist. # _____
 Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

Affidavit of publication received:
 Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:
 Final date for protest 6-8-98
 Protests received.
 Recommendations attached:
 Measuring device required:
 Measuring port required:
 Water delivered by water master? District # _____
 Special conditions of approval or cover letter: 046, 120, permissible
place of use condition.

See below for additional information

Recommended Date or Priority 4/28/98
 Recommended by: Gary S Date: 12/18/98

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

see attached exemption request regarding
PLU overlaps

MEMO

To: File No. 63-12447 (Sand Springs)
From: Gary Spackman *Gary*
Subject: Recommendations for Approval
Date: December 17, 1998

Application no. 63-12447 was filed on April 28, 1998. The application proposes diversion of ground water from a geographical area still within the Treasure Valley but in its eastern reaches. The applicant requested through Terry Scanlan of Scanlan Engineering that this application be considered even though IDWR suspended processing of applications in the Treasure Valley after removal of the moratorium for the Boise River Basin in 1993. Scanlan requests that IDWR process the application, referring to "item 9.b. of the amended moratorium order dated April 30, 1993," which contains the same language as application processing memo no. 59 related to processing of applications to appropriate water in the lower Boise River. The operative language is contained in paragraph 7.b.) which states that an application will be processed if:

The director determines that the development in use of the water pursuant to an application will have no effect on prior surface and ground water rights because of its location, insignificant consumption of water, or mitigation provided by the applicant to offset injury to other rights.

Terry Scanlan wrote a letter to me on April 23, 1998, outlining reasons why application no. 63-12447 could be approved. He argues that the appropriation of water will not affect other water users in the area, it is proposed in an area where ground water levels are not declining, and the ground water in the area where the wells are proposed is tributary to the Snake River, not the Boise River.

When I first reviewed this application, I thought it proposed 980 acres of irrigation. I initially thought that the application would be subject to the individual tests for evaluating significant reduction under the water appropriation rules. A more careful reading reveals that only 200 acres were proposed to be irrigated. Any proposed place of use of 200 acres or less is presumed to not reduce the flow at Murphy gauge by more than two (2) acre feet per day.

After having reviewed the Swan Falls tests, I determined that IDWR should wait to process this application until the pending standards for the ground water management area and area of drilling concern are adopted. Because of delays in creating the areas and adopting

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APR 13 1999

File No. 63-12447 (Sand Springs)
Page 2
December 17, 1998

standards, I have decided that this application should be forwarded to the state office for consideration. I recommend the following conditions:

1. 046
2. 120
3. Wells drilled pursuant to this water right must adhere to the drilling standards being proposed for the Treasure Valley Area of Drilling Concern.

CC: Steve Lester

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APR 13 1999

RECEIVED
DEC 18 1998
WATER RESOURCES
WESTERN REGION

BEE MAN & HOFSTETTER P.C.

Counselors and Attorneys at Law

608 West Franklin Street

P. O. Box 1427

Boise, Idaho 83701-1427

Josephine P. Beeman

Dana L. Hofstetter

Telephone: (208) 388-8900

Facsimile: (208) 388-8400

E-mail: beehof@micron.net

December 16, 1998

Steve Lester 

Idaho Department of Water Resources

2735 Airport Way

Boise, Idaho 83705-5082

Re: Sand Springs Ranch & Company – Application 63-12447
B&H File No. 1770.1

Dear Steve:

Thank you for advising me of the status of the processing of Application 63-12447 for ground water irrigation in the Mayfield area. When we spoke on Thursday, December 9, Gary Spackman, Regional Supervisor for IDWR Western, had the application on his desk and was reviewing it with the intent to send it to the IDWR's State Office in the near future. Since Sand Springs Ranch & Company has an address in Fairfield, Idaho, I appreciate your also indicating on the file that Terry Scanlan of Scanlan Engineering and/or Jo Beeman can be contacted locally for questions about the application.

Although the application was unopposed, originally IDWR thought that a management plan for the Boise River and moratoriums would affect the processing of the application through the regional and state offices of IDWR. Apparently, the management plan is still being developed, so IDWR intends to continue to process the application.

If there is any change in the status of the processing, I would appreciate being notified. I am certain Terry Scanlan and I would both enjoy copies of the draft management plan when it is available to the public.

Thank you again.

Sincerely,

BEE MAN & HOFSTETTER, P.C.


Josephine P. Beeman

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APR 13 1999

JPB:ja

cc: Tom Ambrose

Terry Scanlan

D:\1770\1\2580

CONVERSATION MEMORANDUM

DATE 12/10/98
FILE 63-12447

NAME OF PARTY Jo Beeman 388-8900

EMPLOYEE JL

RE: Local contracts

If questions etc, contact

1) Jo - w-

2) Terry Scoutan 383-4140.

Owner spends lot of time out of state
so local contacts can provide better service.

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APR 13 1999

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

NOTICE OF APPLICATION FOR WATER RIGHT

The following applications have been filed to the appropriate public waters of the State of Idaho:

63-12447 ✓
at

SAND SPRINGS RANCH & CO
P.O. BOX 399
FAIRFIELD, ID 83327
Source: GROUNDWATER
Division Pt:

SWNE Sec 24 T 01N R 04E in ELMORE County
NWSW Sec 24 T 01N R 04E in ELMORE County
SWSW Sec 24 T 01N R 04E in ELMORE County
SESE Sec 24 T 01N R 04E in ELMORE County
LOT 2 (SWNW) Sec 19 T 01N R 05E in ELMORE County

Use: IRRIGATION

Total Diversion: (4,000 CFS)

Date Filed: 4/28/1998

In: ELMORE County

T01N R04E S24

RO5E S18 LOT 4

S19

NENE	NWNE	SWNE	SENE
NESW	NWSW	SWSW	SESW
NESE	NWSE	SWSE	SESE
(SWSW)	SESW	NESE	NWSE
SWSE	SESE		
NENE	NWNE	SWNE	SENE
NENW	Lot 1(NWNW)	Lot 2(SWNW)	SENW
NESW	Lot 3(NWSW)	Lot 4(SWSW)	SESW
NESE	NWSE	SWSE	SESE

980.0 ACRES TOTAL

Water bearing zone to be appropriated for source considered tributary to Snake River is between 400 and 1000 feet. Applicant agrees to mitigate consumptive use in the future as needed for 200 acres per seasons within total place of use.

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before JUNE 8, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

First publication May 20, 1998.

Last publication May 27, 1998.

I, Coleen W. Swenson, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publi-

cation having been made on 20th day of

May, 1998, and the last publi-

cation having been made on the 27th day of

May, 1998; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 27th day of

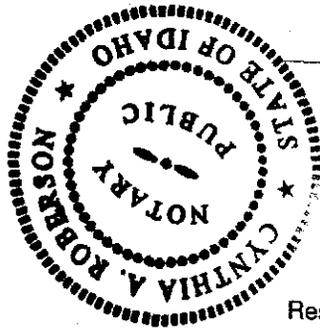
May, 1998

Cynthia A. Roberts
Notary Public

RECEIVED

JUN 05 1998

WATER RESOURCES
WESTERN REGION



MICROFILMED

JUN 13 1998

Residing in Mountain Home, Elmore County, Idaho. My commission expires 09-09-2002.

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

APR 28 1998

WATER RESOURCES
WESTERN REGION

April 23, 1998

Mr. Gary Spackman
Idaho Department of Water Resources
2735 North Orchard Street
Boise, ID 83705

Subject: Application for Permit and Request for Exemption from Boise River Basin Moratorium

Dear Gary:

Enclosed please find an application for permit by Sand Springs Ranch and Company (Sand Springs Ranch) seeking to appropriate 4.0 cfs of groundwater for irrigation of a total of 200 acres located along Indian Creek in Elmore County. The place of use is located in Section 24, T1N, R4E and Sections 18 and 19, T1N, R5E. The points of diversion for these applications are located in the Boise River Drainage Basin.

Sand Springs Ranch is aware of the current moratorium on processing new applications for permit in the Boise River Basin. However, as provided for under item 9.b. of the amended moratorium order dated April 30, 1993, Sand Springs Ranch seeks approval of this application because (1) the aquifer is tributary to the Snake River rather than to the Boise River, (2) the remote location of the proposed points of diversion relative to other wells and water rights, (3) no evidence of local long-term water-level declines in the area, and (4) a willingness to mitigate any injuries to existing water rights or fishery resources based upon a finding by the Director. Details are provided below.

LOCAL HYDROLOGY

Groundwater beneath the site is found primarily in sedimentary aquifers of Recent-Aged Alluvium and the Idaho Group. No high capacity wells are currently operating at the ranch, although a well drilled in the 1970s on the ranch was reported to produce 800 gpm but failed due to sand pumping and lost drilling tools.

The proposed wells and place of use are located along Indian Creek, an intermittent stream that drains the granitic highlands north of Mayfield. Indian Creek and tributary gulches are thought to be the primary source of local groundwater recharge. Additional recharge probably occurs from direct infiltration of precipitation and by leakage from Indian Creek Reservoir.

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APR 28 1998

Indian Creek is a losing stream in the vicinity of the proposed points of diversion and for many miles downstream. Upstream from the proposed diversion points, Indian Creek flows over low permeability granite bedrock and thin alluvium, and appears to be a gaining stream.

Depth to groundwater at Sand Springs Ranch is estimated to range from 0 to more than 300 feet below ground surface. The water table at the town of Mayfield appears to be very near creek level as demonstrated by springs, seeps, water holes, and wetland vegetation. About one mile downstream from Mayfield, the water table appears to drop far below the creek level. The deep water table is reflected by the general absence of wetland vegetation along the creek channel in the area west of Section 19, T1N, R5E. Sand Springs Ranch personnel have indicated that Indian Creek only flows as far as the Sand Springs ranch house (about 2.5 miles downstream from Mayfield) during periods of sustained heavy runoff. During short-duration or light runoff events, all creek flow past Mayfield typically seeps out of the stream bed before reaching the Sand Springs ranch house area.

Influence of Groundwater Pumping on Indian Creek Flows

In areas where the water table is near the stream bed level of Indian Creek, groundwater pumping from nearby wells could impact stream flows. For instance, two wells (currently owned by Sand Springs Ranch and drilled for Western Land and Cattle Company in Section 17, T2N, R5E) upstream of Mayfield have reported static water levels of 12 and 15 feet. These wells probably tap an aquifer zone that is in hydraulic connection with Indian Creek. Pumping by these two wells could deplete the flow in Indian Creek at Mayfield.

Existing deep wells along the creek downstream of Section 19, T1N, R5E are not in hydraulic connection with the creek. This is demonstrated by water levels in the domestic well at the Sand Springs ranch house and in the abandoned deep well located directly adjacent to Indian Creek in the south half of Section 24. The domestic well at the ranch house is 256 feet deep with a reported static water level of 205 feet. The abandoned deep well is reported to be 1,300 feet deep, and I measured the depth to water in the well at 275 feet below ground surface on December 17, 1996. These depths to water suggest that deep well pumping downstream of Section 19 will not deplete surface water flows in Indian Creek. Therefore, deep well pumping downstream from Section 19 should have no significant impact on Indian Creek or Boise River water rights.

The influence of well pumping on surface water rights from Indian Creek might not be significant in any event, since Sand Springs Ranch owns most of the water rights to the creek. A search of the Idaho Department of Water Resources water right and SRBA data bases was conducted by Department personnel for Indian Creek and Indian Creek Reservoir water rights with diversion points upstream from the reservoir. The search found only four recorded water rights and six adjudication claims (Table 1). The largest water right diversion rate appears to be appurtenant to the Sand Springs Ranch (63-02046 for 3.4 cfs).

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APR 13 1998

TABLE 1
WATER RIGHTS FROM INDIAN CREEK RESERVOIR AND
INDIAN CREEK ABOVE THE RESERVOIR

<u>Right No.</u>	<u>Owner</u>	<u>Stage</u>	<u>Priority</u>	<u>Rate/Vol</u>	<u>Use</u>
<u>Indian Creek Reservoir</u>					
A63-29541	USA	beneficial use	1/1/1871	0.26 cfs	stock,wildlife
63-00351	Jackson	decree		1.00 cfs	irrigation
<u>Indian Creek</u>					
63-02046	Western Land	license	11/7/1906	3.40 cfs	irrigation
A63-02046	Two Plus Ranch	license	11/7/1906	3.40 cfs	irrigation
63-02143	Mary Jackson	license	10/21/1910	1.06 cfs	irr, domestic
63-04338	State of Idaho	stat. claim	6/1/1895	3000 af	wildlife, rec
A63-04338	State of Idaho	stat. claim	6/1/1895	3000 af	wildlife, rec
A63-04679	State of Idaho	claim	1/1/1895	3000 af	fish prop
A63-29423	Sand Spr. Ranch	beneficial use	3/1/1906	0.24 cfs	stockwater
A63-29471	USA	beneficial use	1/1/1873	0.24 cfs 0.02 cfs	stockwater wildlife

Groundwater Flow Direction

The proposed point of diversion and place of use are both located within the Boise River surface water drainage basin. However, groundwater flow direction is toward the Snake River, approximately 25 miles to the southwest. This conclusion is supported by the following data.

1. The water table contour map provided in Configuration of the Water Table and Depth to Water, Spring 1980, Water-Level Fluctuations, and Water Movement in the Snake River Plain Regional Aquifer System, Idaho and Eastern Oregon, USGS HA-703 (Lindholm and others, 1988). The contours are shown on Attachment No. 1 to this letter, and suggest that groundwater flow is in a southwesterly direction in the Mayfield area. Groundwater in aquifers beneath Indian Creek appears to be tributary to the Snake River throughout the Indian Creek drainage upstream of the town of Kuna.
2. Ground-Water Resource of Southern Ada and Western Elmore Counties, Idaho, Idaho Department of Reclamation Water Information Bulletin No. 15 (Ralston and Chapman, 1970) indicates a southerly groundwater flow direction in the Mayfield-Orchard area. The report (pages 24-26) indicates that the New York Canal from Boise to Kuna is the

APR 13 1998

approximate dividing line between areas tributary to the Snake River (south of the canal) and tributary to the Boise River (north of the canal).

3. Figure 6 (Attachment 2 to this letter) of Reconnaissance of Groundwater Resources in the Mountain Home Plateau Area, Southwest Idaho, USGS Water-Resources Investigations Open File Report 77-108 (Young, 1977) shows a groundwater contour elevation of about 3600 feet in the close proximity of Sand Springs Ranch property. The contours on this map also suggest flow southwesterly toward the Snake River.

The data cited above clearly indicate that the proposed points of diversions are tributary to the Snake River. As a result, this groundwater application should not be subject to the Boise River Basin Groundwater Moratorium.

Documented Water-Levels

We are not aware of any significant long-term water-level declines in the general vicinity of Mayfield or Indian Creek. The hydrographs of USGS-monitored observation wells in the area, discussed below, provide no indication of water-level decline. In fact, long-term water-level increases have been recorded in USGS-monitored wells located south and southeast of Sand Springs Ranch (See Attachment 3). These water-level increases are probably related to leakage from Indian Creek Reservoir.

DESCRIPTION OF LOCAL WATER USE

Water Right Search

A search of the Idaho Department of Water Resources water right and SRBA data bases was conducted by Department personnel for an approximate 5-mile radius around the Sand Springs Ranch. The search criteria was for irrigation groundwater rights greater than 0.1 cfs, and the search area consisted of the following sections:

T1N, R4E - all
T1N, R5E - all
T2N, R4E - Sections 33-36
T2N, R5E - Sections 31-33
T1S, R4E - Sections 1-5, 8-16
T1S, R5E - Sections 3-10, 16-18

The search results are provided in Table 2. The search found only six water rights within a five-mile radius of the Sand Springs Ranch. Three of these rights (63-02654, 63-02655, and 63-02690) are located at Sand Springs Ranch. The other three rights (63-08051, 63-10372, 63-11382 totaling 4.35 cfs) are located two to three miles southwest of Sand Springs Ranch.

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APR 1 1998

TABLE 2
GROUNDWATER RIGHTS GREATER THAN 0.1 CFS WITHIN
A 5-MILE RADIUS OF THE SAND SPRINGS RANCH

<u>Right No.</u>	<u>Owner</u>	<u>Stage</u>	<u>Priority</u>	<u>Rate</u>	<u>P.O.D.</u>	<u>Use</u>
63-02654	J. Beck	license	12/27/1946	2.00	1N4E24SWNE	irrigation
63-02655	J. Beck	license	12/27/1946	1.00	1N4E23NENE	irrigation
63-02690	H. Beck	license	5/4/1948	0.50	1N4E23SESE	irr, dom
63-08051	Gable A Ranch	license	10/17/1974	2.44	1N4E28NENE	irrigation
A63-08051	Gable A Ranch	license	10/17/1974	2.44	1N4E28NENE	irrigation
63-10372	J. Montandon	permit	7/28/1986	0.20	1N4E32NENE	irr, com, dom, fire
63-11382	C. Agenbroad	permit	5/15/1990	1.71	1N4E27SWNE	irr, dom, stock
61-02251	Anderson	license	3/10/1960	0.28	1N4E9SWSW	irrigation
R61-02251	Anderson	disallowed	3/10/1960	0.28	1N4E9SWSW	forfeited

Impact of Groundwater Pumping at Mayfield on Wells Within the Mountain Home Groundwater Management Area and the Cinder Cone Butte Critical Groundwater Area

The Indian Creek drainage is outside the Mountain Home Ground Water Management Area (MHGWMA) and the Cinder Cone Butte Critical Ground Water Area (CCBCGWA).

The boundary of the MHGWMA is less than one mile southeast of the Sand Springs Ranch house. The distance from any proposed wells at the Sand Springs Ranch to wells within the MHGWMA is a key factor to determine potential impact. The search found no large irrigation water rights in the MHGWMA within the search area. This suggests that any large groundwater rights located in the MHGWMA are located at least five miles away from Sand Springs Ranch.

The northwest boundary of the CCBCGWA is about five miles southeast of the Sand Springs Ranch house. Given such a large distance from the CCBCGWA, significant direct well interference between Sand Springs Ranch wells and wells in the CCBCGWA would not be anticipated. Furthermore, water levels in the portion of the CCBCGWA closest to Sand Springs Ranch show no evidence of decline (Attachment 4).

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APR 13 1998

POTENTIAL MITIGATION FOR PUMPING IMPACTS

As part of the enclosed application for permit, Sand Springs Ranch and Company has agreed to accept a condition of approval that will require mitigation related to fishery resources based upon a future determination by the Director. Furthermore, Sand Springs is willing to provide mitigation to any existing groundwater right holders that are injured by pumping under the proposed permit.

Please call me to discuss this application. We feel that the Department should give the application serious consideration because (1) the aquifer is tributary to the Snake River rather than the Boise River, (2) the proposed well locations are remote from other water rights, (3) the lack of water-level decline in the area, and (4) the willingness of Sand Springs Ranch to provide the mitigation, if required.

Sincerely,

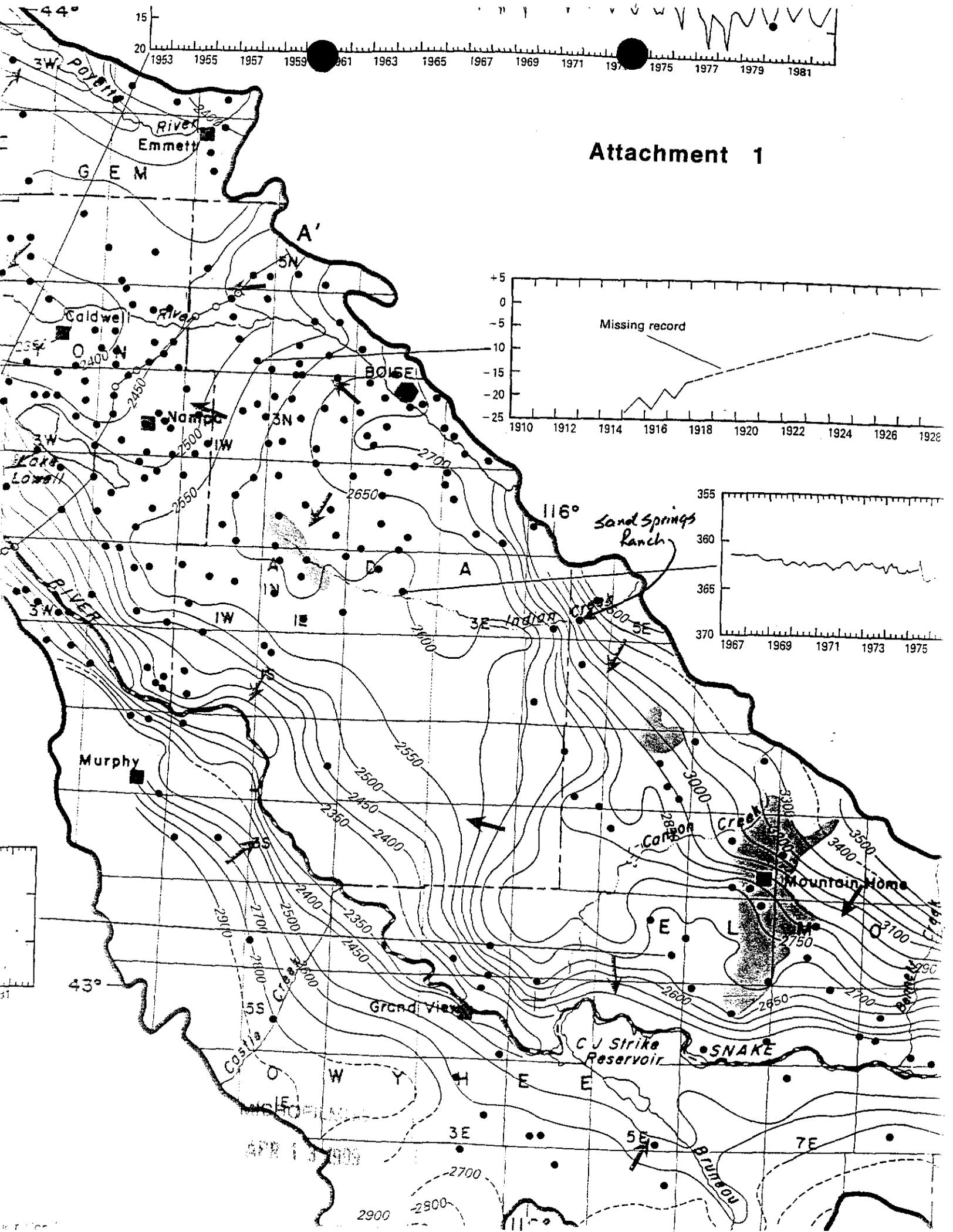


Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

cc: Tom Ambrose
Jo Beeman

RECORDED

APR 23 1998



Attachment 2

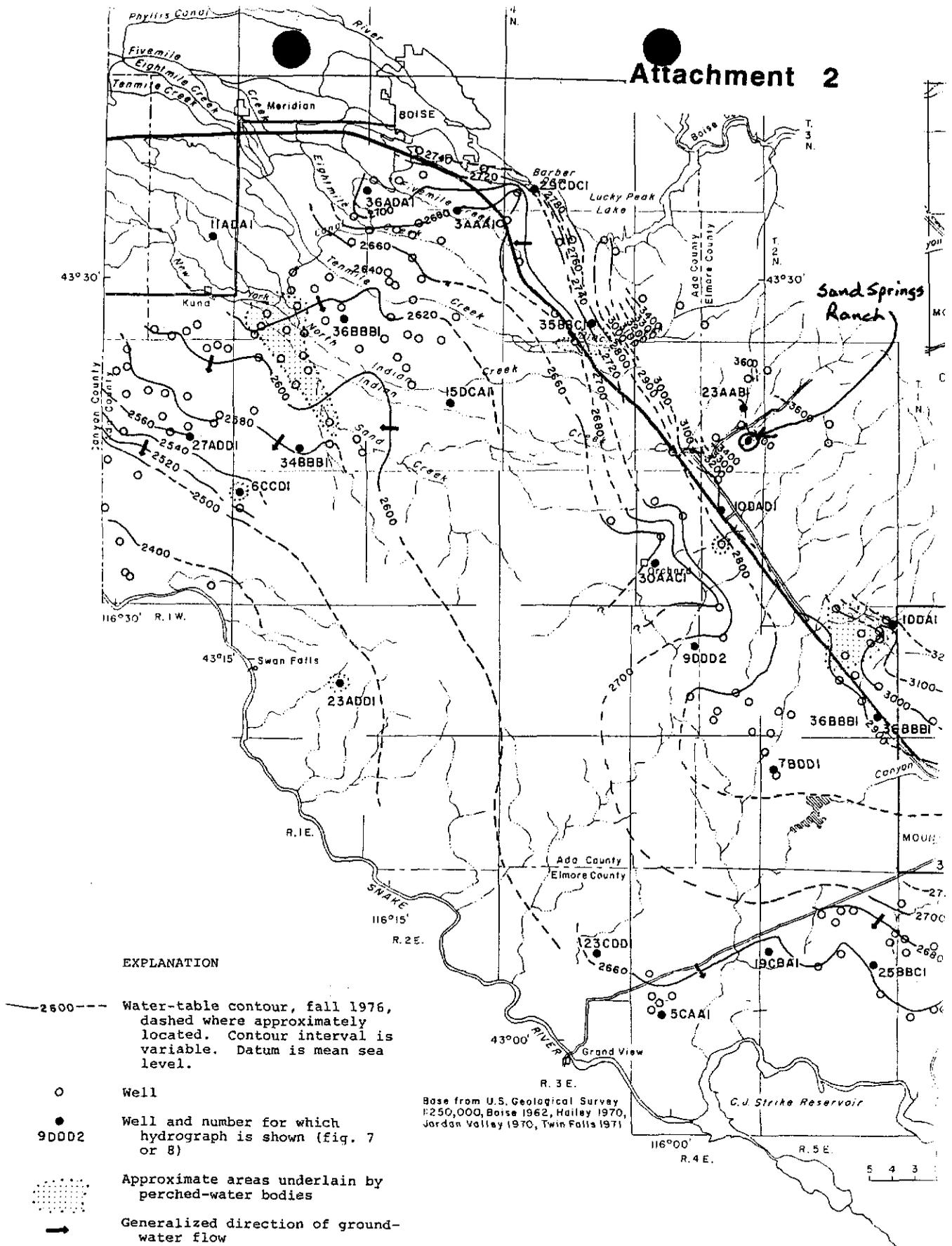
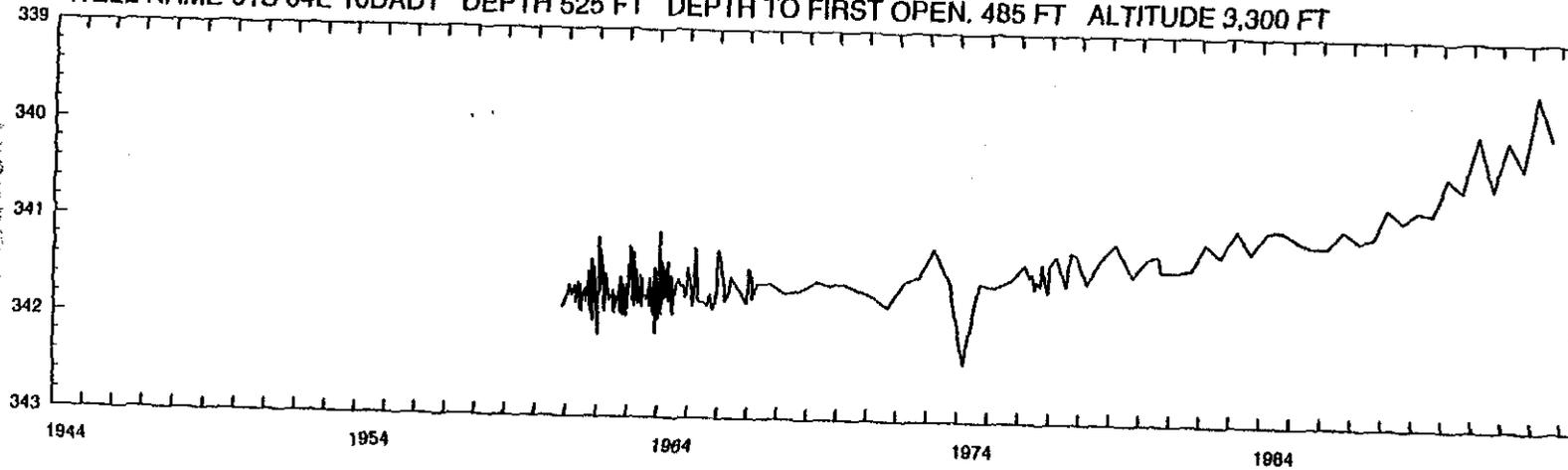


FIGURE 6.-- WATER-TABLE CONTOURS, PERCHED-WATER ZONES, AND WELLS IN THE MOUNTAIN HOME PLATEAU AREA, IDAHO

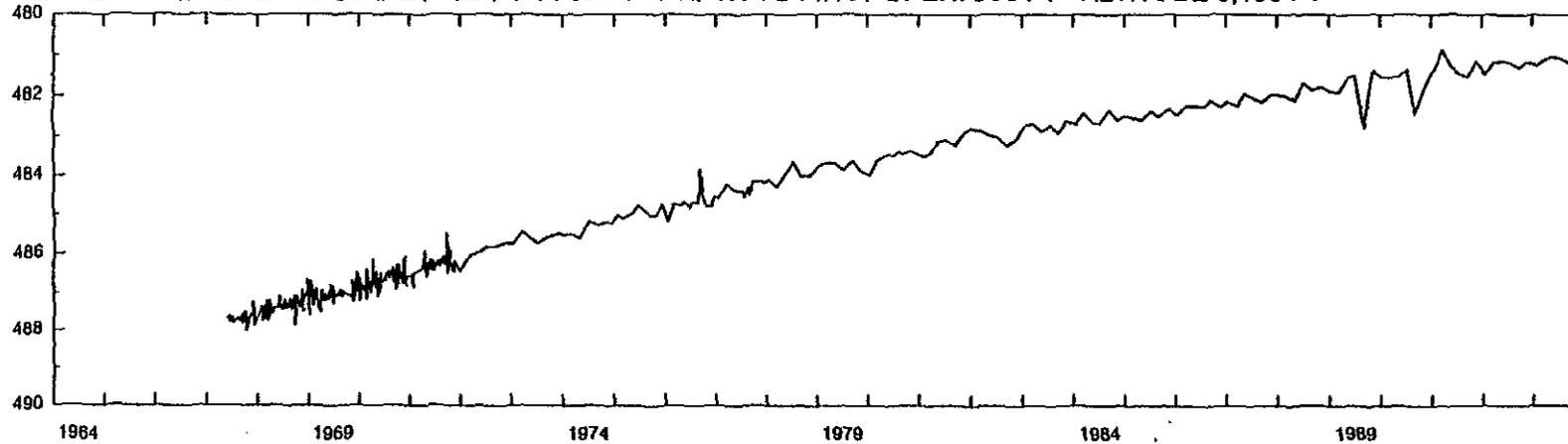
APR 13 1993

ELMORE COUNTY

WELL NAME 01S 04E 10DAD1 DEPTH 525 FT DEPTH TO FIRST OPEN. 485 FT ALTITUDE 3,300 FT



WELL NAME 01S 04E 30AAC1 DEPTH 750 FT DEPTH TO FIRST OPEN. 550 FT ALTITUDE 3,150 FT



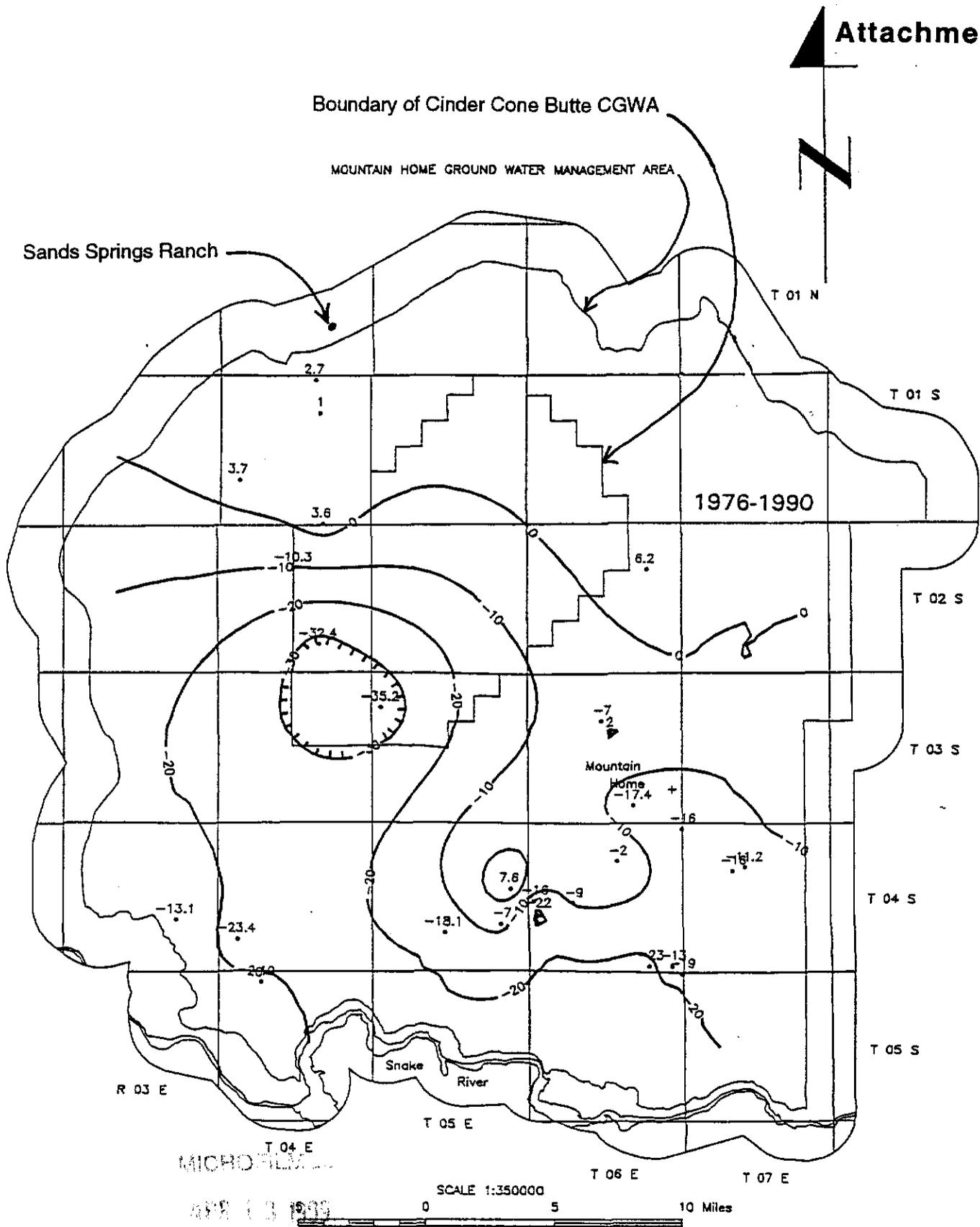


Figure 10. Water Level Change Map: Regional System



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MAY 14, 1998

Legal Notices Department
Mountain Home News
PO Box 1330
Mountain Home, ID 83647

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before JUNE 8, 1998.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICHO...

APR 13 1965

63-12447

SAND SPRINGS RANCH & CO
PO BOX 399
FAIRFIELD, ID 83327

Source: GROUNDWATER

Diversion Pt:	SWNE	Sec 24 T 01N R 04E	in	ELMORE	County.
	NWSW	Sec 24 T 01N R 04E	in	ELMORE	County.
	SWSW	Sec 24 T 01N R 04E	in	ELMORE	County.
	SESE	Sec 24 T 01N R 04E	in	ELMORE	County.
	LOT 2 (SWNW)	Sec 19 T 01N R 05E	in	ELMORE	County.

Use: IRRIGATION	(4.000	CFS)
Total Diversion:	(4.000	CFS)

Date Filed: 4/28/1998

In: ELMORE County				
T01N R04E S24	NENE	NWNE	SWNE	SENE
	NESW	NWSW	SWSW	SESW
	NESE	NWSE	SWSE	SESE
R05E S18 Lot 4 (SWSW)	SESW	SESE	NESE	NWSE
	SWSE	SESE		
S19	NENE	NWNE	SWNE	SENE
	NENW	Lot 1 (NWNW)	Lot 2 (SWNW)	SENE
	NESW	Lot 3 (NWSW)	Lot 4 (SWSW)	SESW
	NESE	NWSE	SWSE	SESE

980.0 ACRES TOTAL

Water bearing zone to be appropriated for source considered tributary to Snake River is between 400 and 1000 feet. Applicant agrees to mitigate consumptive use in the future as needed for 200 acres per season within total place of use.

RECORDED
APR 28 1998

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before JUNE 8, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 5/20/1998 & 5/27/1998

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JUN 13 1998