

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-07680
Date Received: 3/21/1990
Receipt No: E012332
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: APPLE ACRES SUBDIVISION 208-234-0126
Address: C/O DAVID R. FISCHEL
2446 N. MINK CK. RD.
POCATELLO, ID 83204

2. Date of Priority: DEC 09, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	20	NE	SW			BANNOCK

5. Description of diverting works:
WELL, PUMP, PIPELINE & TANKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.030		3.50
DOMESTIC	01/01	12/31	0.100		2.40

7. Total Quantity Appropriated is:
0.130 C.F.S. (and/or) 5.90 A.F.A.

8. Total consumptive use is 3.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 4 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	20	NE	SW		IRR	1.0

Section Acres 1.0

A29-07680

Page 1

Date: 03/21/90

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10. Place of Use: Continued

Total Acres 1.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
MINK CREEK DECREE

14. Remarks:

Place of use also known as Apple Lane Well No. 1.
Domestic use is for 4 homes.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

39576

29-07680

E012332/90

3-13-90

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MAR 13 1990

Department of Water Resources
Eastern District OfficeNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 8 - 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) APPLE ACRES SUBDIVISION C/O
DAVID R. FISCHER Phone (208) 234-0126Mailing Address 2446 NORTH MINK CREEK, POCAHELLO Zip 83204
IDAHO2. Date of Priority (Only one (1) per claim) 12/9/823. Source of water supply (a) GROUND WATER
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 7S Range 35E Section 20,
NE 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of BANNOCK

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.2 HP SUBMERSIBLE PUMP
WITH 2" PIPELINE AND 3 PRESSURE TANKS (50 GALLONS
EACH).WELL DIAMETER 6"DEPTH OF WELL 200'

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A2907680



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For DOMESTIC purposes from 01/01 to 12/31 amount .10 or 2.4

For IRRIGATION purposes from 03/15 to 11/15 amount .03 or 3.5

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .13 (cfs) and/or (b) 5.9 (acre feet)

8. Total consumptive use claimed is 3.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) DOMESTIC (FOUR HOUSEHOLDS)

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	35E	20									1								1
7S	35E	20									D								

Total number of acres irrigated 1

11. In which county (ies) are lands listed above as place of use located? BANNOCK

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
DECEED RIGHT FROM MINK CREEK, RIGHT #8, DECEED or None ()
JUDGMENT BOOK 20 1907

14. Remarks:

3 OTHER HOUSEHOLDS SHARE THIS WATER RIGHT:
① V. LYNN NALDER, 2388 N. MINK CREEK RD.
② G.T. CRIST, 2382 N. APPLE LANE
③ FRED WINWARD, 2364 N. APPLE LANE

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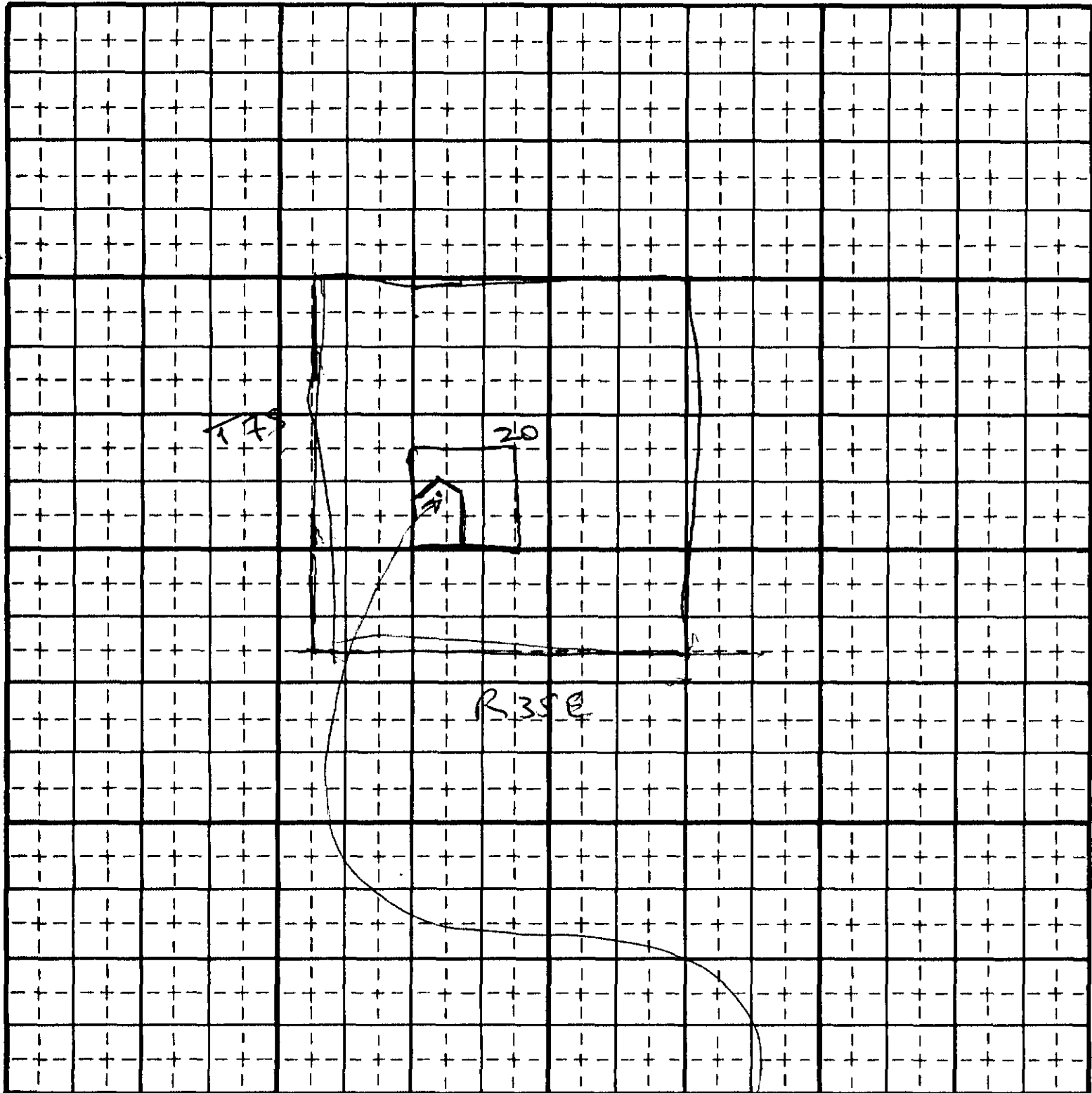
NOV 13 1992

Last Name FISCHEL / APPLE Acres Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 Inches equals 1 mile



Point of diversion + place of use

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Last Name FISCHEL / APPLE Acres Agent No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit ☒

Decree _____

If applicable provide IDWR Water Right Number 29-7680

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☒ do not ☐ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am SECRETARY / TREASURER

Title

of APPLE ACRES SUBDIVISION, WELL #1, that I have signed the foregoing

Organization

document in the space below as SEC. / TREASURER of APPLE ACRES WELL #1

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent David R. Fischel

Title and Organization APPLE ACRES WELL #1 Date _____

State of Idaho/or Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 12th day of February 19 90

SEAL

Notary Public Sharon Krumik

Residing at Prattville, Idaho

My Commission Expires 6-8-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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NOV 13 1992

Last Name FISCHEL / APPLE ACRES Ident. Number _____

Copies White-State, Yellow-Claimant

Log for claim A29-07680

Spatial Dynamics BTD

9/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	20	NESW	1	15	Indiscernible
Totals:			1	15	

Audit: 03/21/90 DCARLSON 07/28/94 THOMPSON 03/29/95 POST-STD

WATER RIGHT LICENSE

WATER RIGHT NO. 29-7680

Priority: December 9, 1982 Amount: .11 CFS 5.9 AF

This is to certify, that APPLE ACRES SUBDIVISION

C/O DAVID R. FISCHER
2446 N. MINK CK. RD.
POCATELLO, ID 83204

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated December 9, 1982, and has submitted proof to the Department of Water Resources on February 12, 1985, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .11 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	03/15 to 11/15	.03 cfs	3.5 af
Domestic	01/01 to 12/31	.10 cfs	2.4 af
Totals		.11 CFS	5.9 AF

LOCATION OF POINT OF DIVERSION(S): NESW , Sec. 20, Township 7S, Range 35E
Bannock County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
7S	35E	20	NESW	1			1

Total number of acres irrigated: 1

PLACE OF USE: Domestic, same as Irrigation use

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Place of use also known as Apple Lane Well No. 1.
5. Domestic use is for 4 homes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 20th day of February, 1987.

DAVID R. FISCHER
Director

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Apple Acres Subdivision c/o Phone 234-0126
David R. Rischel
Post office address 451-C Mink Creek Rd. Pocatello, ID 83204

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20 Township 7S
Range 35E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.10 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.16 for Irrigation purposes from 6-1 to 9-15 (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)

5. Total quantity to be appropriated:

a. 0.26 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 2 hp submersible pump with 2"
pipeline and 3 pressure tanks (50 gallons each)

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 6 inches; proposed depth of well is 200 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 1 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20 Township 7S
Range 35E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water four.

(5) If water is to be used for other purposes describe: _____

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b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

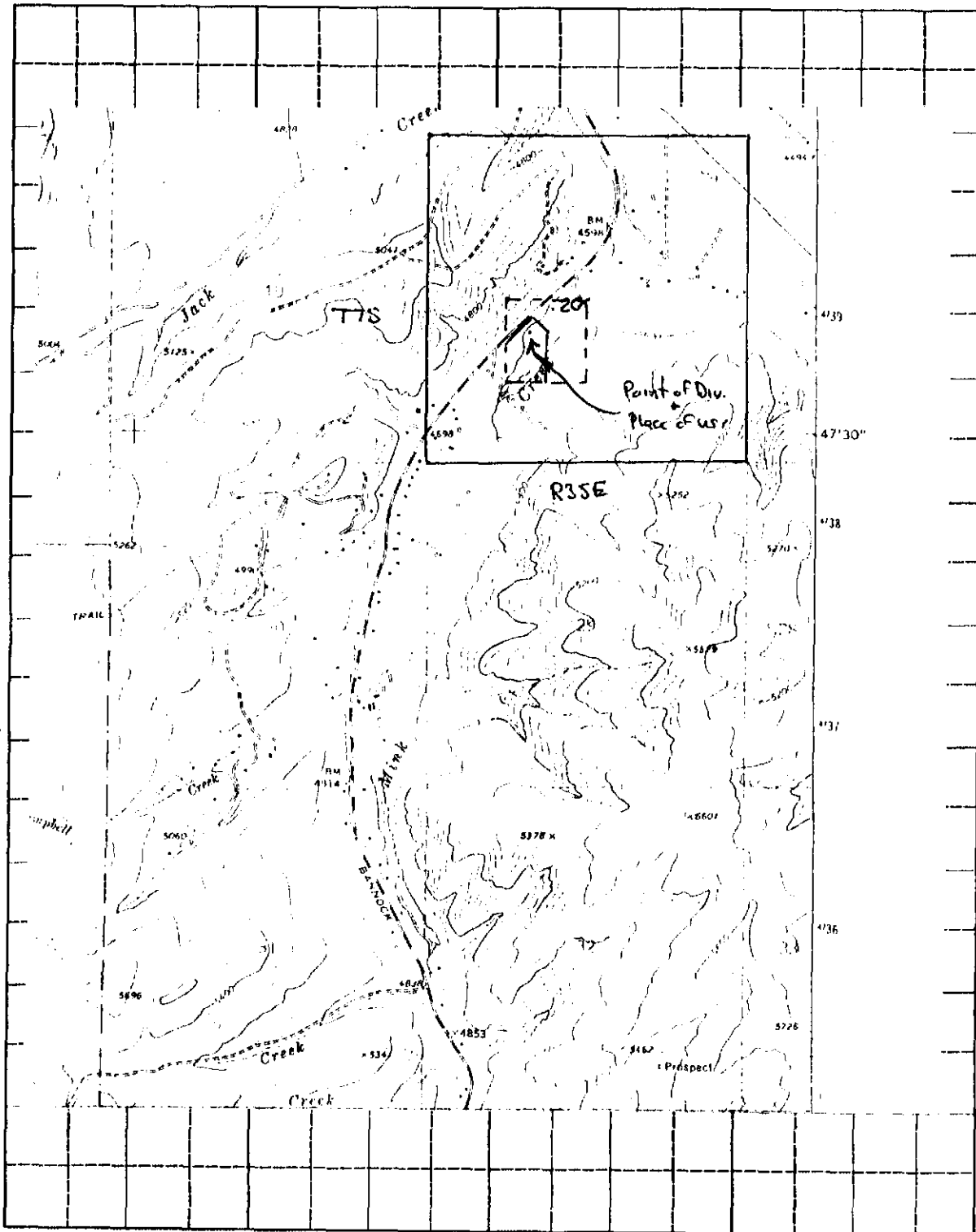
Total number of acres to be irrigated 8

9. a. Who owns the property at the point of diversion Apple Acres Subdivision
b. Who owns the land to be irrigated or place of use Lot owners in Subdivision
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing The well is shared by four households occupying the Apple Acres Subdivision. The well is called Apple Lane Well #2

10. Remarks

DRF

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

RECORDED

x David P. Fischer
(Applicant)

Co-owner

Proposed Priority 12/9/82

Received by BP Date 12-9-82 Time 2:50p
Preliminary check by HWT Fee \$ 45.00
Receipted by BP Date 12-10-82 # 23227
Publication prepared by BP Date 12-15-82
Published in Idaho State Journal
Publication dates 12-23 & 12-30-82
Publication approved kw Date 1-10-83
Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by MC. kw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7680, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 22nd day of January, 1985.

J. M. Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

SEP 19 1986

29-7680
Permit No.

Department of Water Resources

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

$$\frac{2hp(.8)(8.814)}{20psi(2.31) + 80} = .11 \text{ cfs } \checkmark \text{ Theoretical}$$

$$1/4 \text{ acre (4 house holds)} = 1 \text{ acre}$$

$$1 \text{ acre } \left(\frac{.03 \text{ cfs}}{\text{acre}} \right) = .03 \text{ cfs.}$$

- b) Volume Calculations for Irrigation:

$$V_{ir} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (1 \text{ ac})(3.5) = 3.5 \text{ afa}$$

$$V_{dr} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (.03)(245)(1.9835) = 14.6$$

$$V = \text{Smaller of } V_{ir} \text{ and } V_{dr} = 3.5 \text{ afa}$$

- c) Volume Calculations for Other Uses: N/A

$$\text{allow } 0.6 \text{ afa/home or } 4 \text{ homes} \times 0.6 \text{ afa} = 2.4 \text{ afa}$$

2. Overlap Review

- a) Other water rights with same place of use:
- NA 29-0276

- b) Other water rights with same point of diversion:
- NA

- c) Analysis:
- NA
- ROS

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MAR 05 1987

pl. exam fee

RECOMMENDED AMOUNTS

10 day

3. Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
297680	12-9-1982	0.11 cfs	12-9-1982	2-12-1985	0.11 cfs

4. Permit Holder: Apple Acres Subdivision
 Address: 1/2 David R. Fischel, 2446 N. Mink Ct. Rd., Pocatello, ID 83204

5. Source: groundwater tributary to ☒

6. Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
② Domestic ☒ (4 units)	1-1 12-31	0.10 cfs	3.5 2.4 AF
① Irrigation ☒	3-15 11-15	0.03 cfs	3.5 AF
	per rules & regs.		

(Theoretical Max) Allowable Maximums: 0.11 cfs 7.0 5.9 AF

7. Point(s) of Diversion: ☒

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
		NE	SW		20	75	35E	Bannock

8. Place(s) of Use ☒

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
75	35E	20										1						1	

Total Acres 1

9. Recommended Conditions/Remarks:

P/D aka Apple Lane Well No. 1

10. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

11. Examiner's Signature

Richard L. Loomis Jr.

Date 6-23-86

Checked in Regional Office by

J. L. Loomis

Date 9-1-85

Approved in State Office by

K. Walker

Date 11-24-86

Department of Water Resources
Permit No. 29-7680
Phone No. 234-0126

- | Well/Diversion*
No. | Motor
Make | HP | Motor
Serial No. | Pump
Make | Pump Serial No. or
Discharge Size |
|------------------------|---------------|-----|---------------------|--------------------|--------------------------------------|
| | — | 2hp | — | Fairbanks
Morse | 40069108 |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
1 well / pump - approx. 80 Ft deep, with 1" main-line running
to 4 homes, one to each.
domestic use only,
submersible pump with 2" pipeline.

- | 6. | Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|----|-----------------------|------|------|-----------|------------|------|-------------|
| | N/A | — | — | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

7. Measurements N/A Theoretical ☐ Additional data/computation sheets attached

I observed approx. $\frac{1}{4}$ acre of lawn per household to be watered.

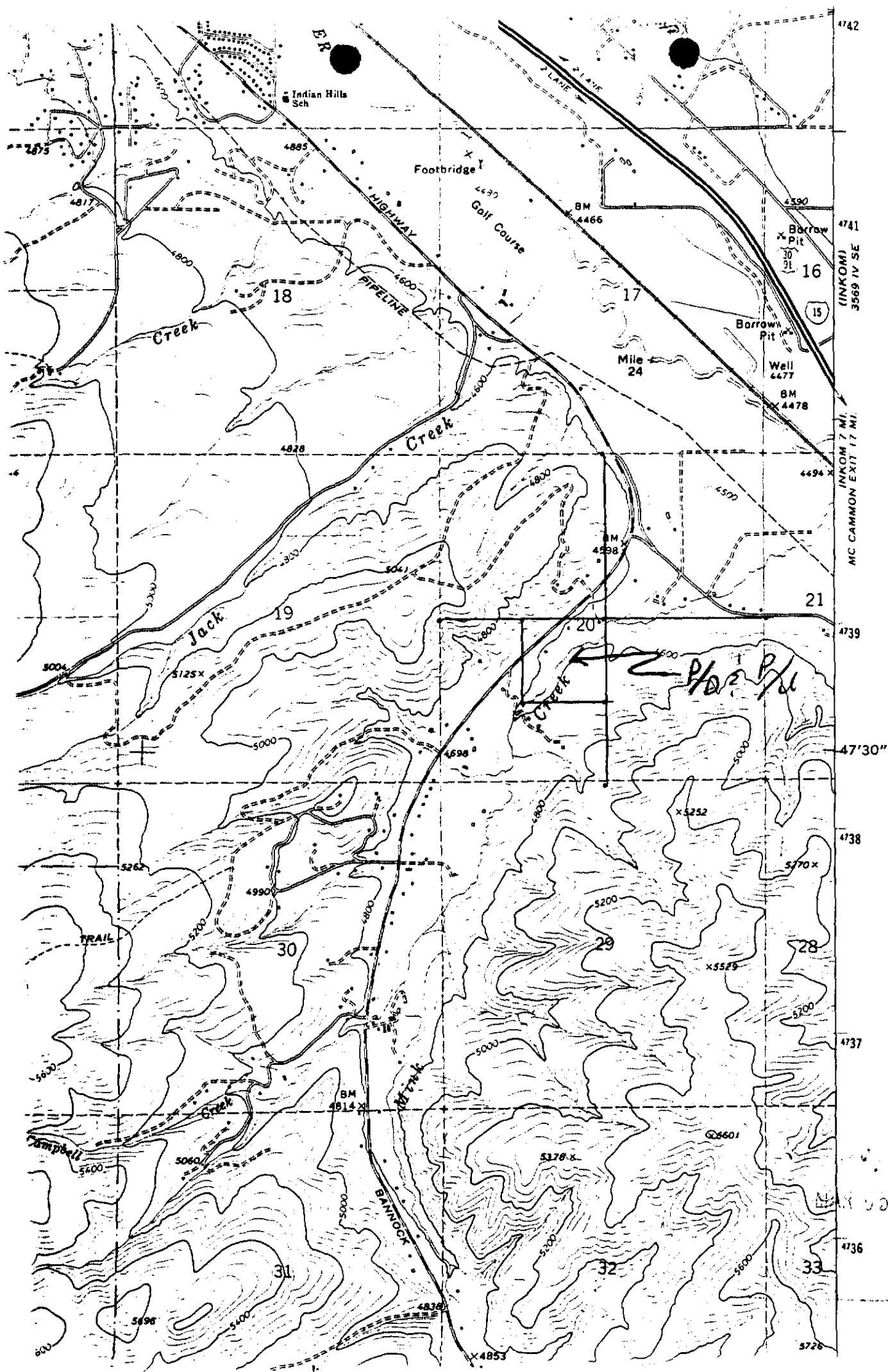
- | 8. Point(s) of Diversion: | Indicate Method of Determination |
|---------------------------|----------------------------------|
|---------------------------|----------------------------------|

[illegible]

9. **Place(s) of Use:** Irrigation - give acres served by system at time of exam.
Indicate Method of Determination

[illegible]

Permit NO.: 29-7680





State of Id
DEPART
150 Shoup Ave.

EASTERN REGION

March 13, 1990

DAVID R. FISCHEL, MD
MELANIE FISCHEL
2446 N MINK CREEK RD 234-0126
POCATELLO, ID 83204

357
3/4 1990
92-2/1241

Pay to the Order of Idaho Department of Water Resources \$ 58.00
Fifty eight and no/100 Dollars

First Interstate Bank
First Interstate Bank of Idaho, N.A.
Yellowstone Office
850 Yellowstone Avenue
P.O. Box 57
Boise, ID 83757-0052

For David R. Fischel

⑆ 24 100093 ⑆ 3208 1045 ⑆ 0357 ⑆

INTERCHECKS - FIRST INTERSTATE BANKGRAPHIC

David R. Fischel
2446 North Mink Creek
Pocatello, ID 83204

Dear Dr. Fischel:

The Idaho Department of Water Resources (IDWR) is returning your Notice of Claim to a Water Right because of insufficient information and/or fees. All items on the forms must be completed and fees submitted before the IDWR can process the notice.

Please correct the items identified below and return the notice and filing fee to the IDWR by April 19, 1990, the filing deadline for Bannock County.

The date of priority must be entered in Item #2. This is the month, day, and year water was first put to beneficial use. If you do not know the precise date, you must estimate the month, day, and year.

The filing fees for irrigation are as follows: \$50.00 for each claim filed and \$1.00 per acre irrigated. You are irrigating 2.5 (rounded to 3) acres so your total fee is \$53.00, rather than \$58. Please submit another check for \$53.00 along with the corrected claim form.

If you wish to make an appointment to discuss the corrections, please call the IDWR at (208) 525-7161.

Respectfully submitted,

Ernest Carlsen for

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure

Check No. 357 in the amount of \$58.00

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NOV 13 1992

Apple Acres Subdivision
Page - 2 -

To file the Notice, based on License 29-7680, please reduce the quantity under Item 6 and the number of acres under Item 10, making them consistent with the License. The fee will only be \$51.00 for this Notice.

For your convenience, we have enclosed both an Application for Permit form and Notice of Claim form, one of which can be used to file on the additional 7 acres.

If you wish to make an appointment to discuss the corrections, please call the IDWR at (208) 525-7161.

Respectfully submitted,



Ernest Carlsen
Adjudications Supervisor

EC:jt

Enclosure

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NOV 13 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

March 8, 1990

Apple Acres Subdivision
C/O David R. Fischel
2446 North Mink Creek
Pocatello, ID 83204

RE: Notice of Claim

Dear Mr. Fischel:

The Idaho Department of Water Resources (IDWR) is returning the Notice of Claim submitted for Apple Acres Subdivision and check (#163 for \$68.00) because of a discrepancy between the Notice and License 29-7680, (copy of license enclosed).

Please correct the items identified below and return the notice(s) and filing fee(s) to the IDWR within 30 days of the date of this letter. If the corrected notice(s) are not returned within the 30 days, each notice will be subject to an additional late fee.

The place of use on the Notice shows irrigation of 8 acres in the NE1/4 SW1/4, Section 20, Township 7S, Range 35E, but License 29-7680 is for the irrigation of 1 acre in the same 1/4 1/4. Based on this discrepancy, it appears that an additional 7 acres have been placed under irrigation since the license was issued. Though the number of irrigated acres under a licensed right can not be increased, there are a couple of options to select from in filing on the additional acreage.

One method would be to file an Application for Permit for irrigation of the 7 acres. The priority date would be the day the Application is filed, and this method would allow for the appropriation of another 0.14 cfs for irrigation. The initial fee for the Application is \$30.00.

The other method would be to file another Notice of Claim based on the expansion of the license. The priority date for this Notice would be the date when the expansion occurred. This procedure would not provide additional water for irrigation. (The license limits irrigation to 0.03 cfs). The fee for this Notice would be \$50.00, plus \$1.00 per acre, totaling \$57.00.

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NOV 13 1992

NOV 13 1970

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APPLE LANE WELL No. 1
2446 N. MINK CREEK ROAD BOX 184
POCATELLO, IDAHO 83204

No. 163

3-1 1970 92-284/1241

Pay to THE ORDER OF Idaho Dept. of Water Resources \$68.00
sixty eight and 00/100 DOLLARS

WEST CENTER OFFICE
IB&T Idaho Bank
& Trust Co.
BOX 1788 POCATELLO, IDAHO 83201

Melanie Fischel

1241028421 00 110921 40

FEB 25 1987

Department of Water Resources
Eastern District Office

WATER RIGHT LICENSE
WATER RIGHT NO. 29-7680

Priority: December 9, 1982 Amount: .11 CFS 5.9 AF

This is to certify, that APPLE ACRES SUBDIVISION
C/O DAVID R. FISCHER
2446 N. MINK CR. RD.
POCATELLO, ID 83204

has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated December 9, 1982, and
has submitted proof to the Department of Water Resources on February 12, 1985, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .11 cfs of water from a GROUNDWATER
source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	03/15 to 11/15	.03 cfs	3.5 af
Domestic	01/01 to 12/31	.10 cfs	2.4 af
Totals		.11 CFS	5.9 AF

LOCATION OF POINT OF DIVERSION(S): NESW , Sec. 20, Township 7S, Range 35E
Bannock County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
7S	35E	20	NESW	1			1

Total number of acres irrigated: 1

PLACE OF USE: Domestic, same as Irrigation use

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Place of use also known as Apple Lane, Well No. 1.
5. Domestic use is for 4 homes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 20th day
of February, 1987.

Acting for the Director

MICROFILMED
NOV 13 1992