



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 24, 2002

CLARK KELLY
TAMARA L KELLY
9685 W HEATHER RD
POCATELLO ID 83204

RECEIVED

JUL 26 2002

WATER RESOURCES
WESTERN REGION

RE: Water Right License 29-7846

Dear Mr. and Mrs. Kelly:

On July 27, 2001, the Department of Water Resources (IDWR) issued Water Right License 29-7846 to you for domestic and irrigation use within Lot 8, Block 2, Gibson Jack Acres Subdivision. It has recently come to our attention that there is an error on the license that must be corrected.

When your application for permit was filed in 1988, you indicated that your place of use and point of diversion would be located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 7 South, Range 35 East, Boise Meridian. IDWR granted the permit, and you submitted a proof of beneficial use statement later in 1988. In June of 1999 an IDWR field examiner visited your property to verify the water use established in accordance with your permit. The field examiner reported that your point of diversion and place of use were established as permitted, and IDWR issued your license authorizing the diversion and use of water within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 7 South, Range 35 East, Boise Meridian. While investigating other water right claims in the area, however, IDWR field agents discovered that Lot 8, Block 2, Gibson Jack Acres Subdivision, is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 7 South, Range 35 East, Boise Meridian. County records indicate that the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 7 South, Range 35 East, Boise Meridian, is actually owned by Little Red Hen, Inc., c/o Dr. Thomas McDevitt.

I have enclosed a number of items for you to review in connection with this matter. They are:

- A photocopy of your application for permit.
- A computer-generated map depicting the location of your parcel in relation to the licensed point of diversion and place of use.
- An Application for Amendment of Permit form with the correct place of use and point of diversion descriptions.

Changes that do not increase the authorized use of water under a permit can be requested and approved in accordance with Section 42-211, *Idaho Code*. Because your actual point of diversion and place of use are different than requested and permitted, before a revised license can

Clark and Tamara Kelly
July 24, 2002
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be issued your permit must be amended to depict your water use as it was actually developed. If you concur with IDWR's conclusion that your water right license is not accurate and must be revised, please sign the Application for Amendment of Permit form and submit it to IDWR with the \$50.00 filing fee within 14 days. When the amendment form has been submitted, IDWR will prepare an order revising water right license.

If you have any questions, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,

A handwritten signature in cursive script that reads "Shelley Walter Keen". The signature is written in dark ink and is positioned above the printed name and title.

Shelley Walter Keen
Water Rights Supervisor

Enclosure

cc: Little Red Hen, Inc.
Dave Tuthill – IDWR Adjudication Bureau

RECEIVED

APR 25 2002

WATER RESOURCES
DIVISION

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07846

Priority: April 01, 1988

Maximum Diversion Rate: 0.08 CFS

Maximum Diversion Volume: 8.6 AF

It is hereby certified that CLARK KELLY And/Or TAMARA L KELLY
9685 W HEATHER RD
POCATELLO ID 83204 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 01, 1988; and has
submitted Proof of Beneficial Use on August 23, 1988. An examination indicates that the works have a
diversion capacity of 0.08 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
IRRIGATION	04/01 to 10/31	0.06 CFS	8.0 AF

LOCATION OF POINT(S) OF DIVERSION:GROUND WATER L4 SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, Twp 07S, Rge 35E, B.M., BANNOCK County**PLACE OF USE:** DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S 35E 18											X						
											L 4						

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S 35E 18											2.0						2.0
											L 4						

Total Acres: 2

CONDITIONS OF APPROVAL

1. Point of diversion and place of use are located within Lot 8, Blk. 2, Gibson Jack Acres Subdivision.
2. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

MICROFILMED

OCT 02 2001

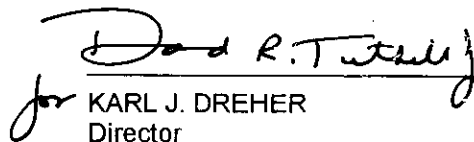
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07846

3. Irrigation use under this right is authorized only in connection with a domestic use.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 27th day of July, 2001.


for KARL J. DREHER
Director

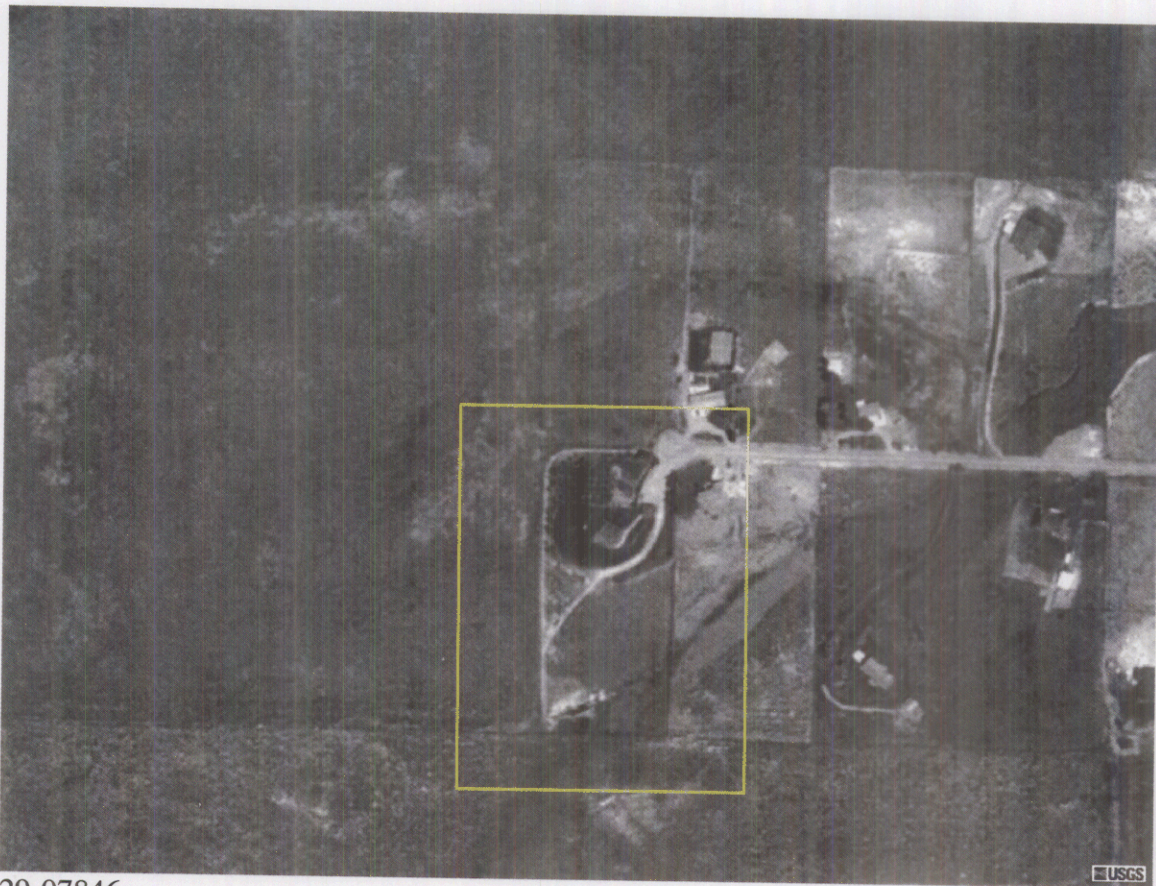
MICROFILMED
OCT 02 2001

Digital OrthoPhoto Quadrangle Image

The image you are viewing is 800 pixels wide by 600 pixels high. Each pixel represents 1 by 1 meters of earth. This image was extracted from a Color Infra-Red (CIR) digital orthophoto quadrangle provided by the USGS.

The image was photographed on 23 Aug 1998 by the National Aerial Photography Program and digitized by the USGS DOQ Program on 13 Nov 2000

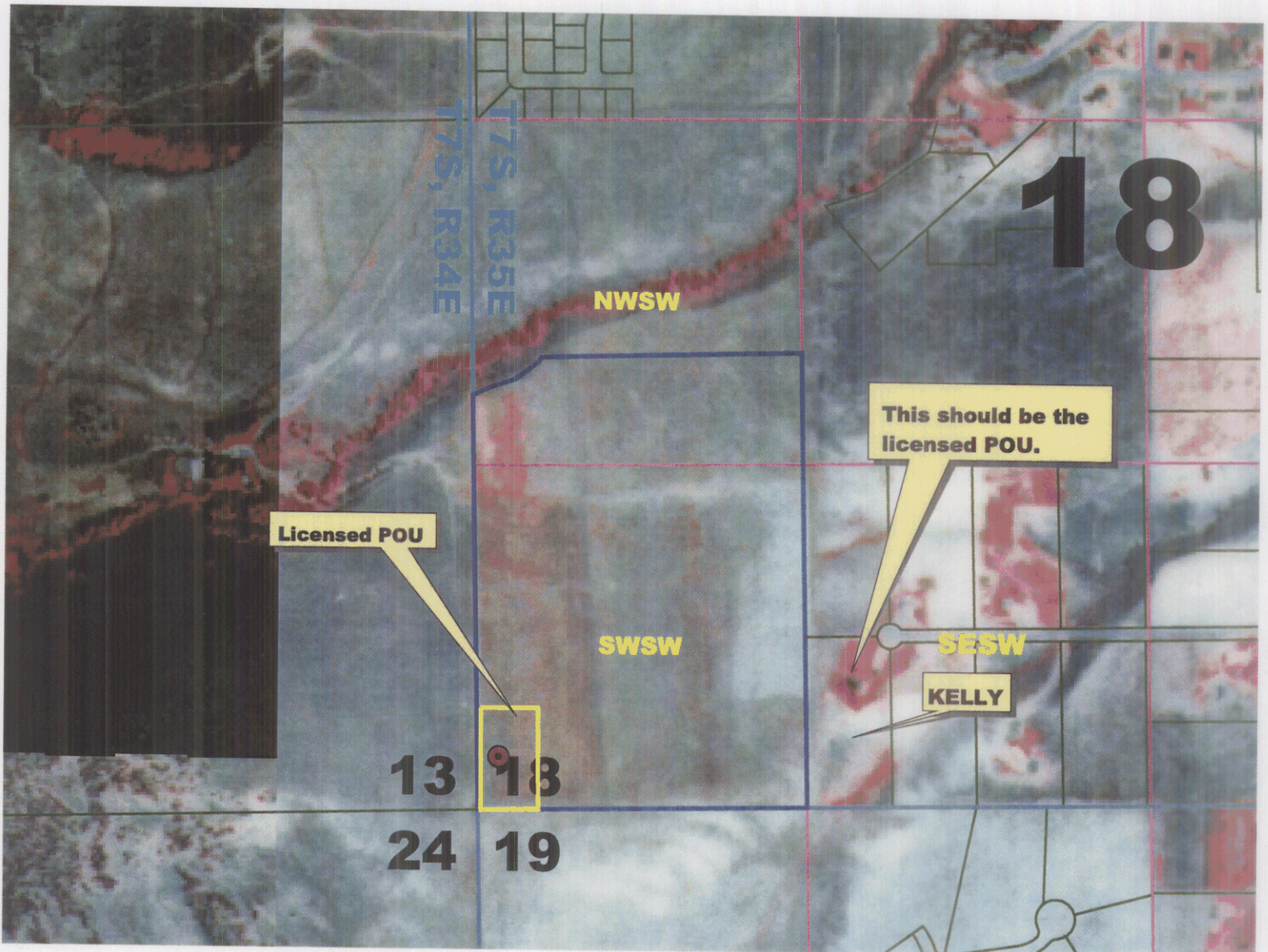
The USGS DOQ below is projected in Universal Transverse Mercator (UTM) Zone 12 on the North American datum of 1983



29-07846

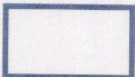
USGS

Assumed Error in Licnesing for 29-07846 Kelly, Clark

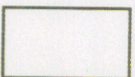


Point of Diversion

Total Irrigated Acreage: 2.0



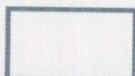
POU - 29-04244 - In CRP



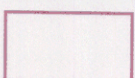
Bannock CoTax Lot/Property Boundary



Licensed Irrigated Place of Use



Section Lines



Quarter Quarter Lines



Prepared By: Craig Saxton
April 2002