

RECEIVED

AUG 21 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 20 2009	
By _____	Clerk
_____	Deputy Clerk

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

In Re SRBA

Case No. 39576

) Subcase: 85-15713
)
)
) ORDER GRANTING MOTION TO FILE
) LATE NOTICE OF CLAIM
)
)
)

This matter came before the Court pursuant to a *Motion for Reconsideration* filed by Claimants Vernon D. and Sharon B. Permann on May 22, 2009. The Permanns requested that this court reconsider its *Order Denying Motion to File a Late Notice of Claim* issued on May 20, 2009. A hearing was held on the *Motion to Reconsider* on August 18, 2009. The hearing was attended by Mr. Permann, along with Chris Bromley, a representative of the Idaho Department of Water Resources. Mr. Permann's *Motion to File Late Notice of Claim* originally claimed 0.89 cfs with a domestic *de minimis* purpose of use. However, Mr. Permann stated at the hearing on the *Motion for Reconsideration* that he intends to use only 0.04 cfs to for domestic purposes, with a 13,000 gallon/day limitation.

Therefore, upon reconsideration, IT IS ORDERED that the *Motion to File a Late Notice of Claim* filed February 2, 2009 is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources,

recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA** *Administrative Order 1* 4d(2)(h).

Dated

August 20, 2009

A handwritten signature in dark ink, appearing to read "John M. Melanson", is written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTION TO FILE LATE NOTICE OF CLAIM was mailed on August 20,
2009, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

SHARON B PERMANN
VERNON D PERMANN
25588 COTTONWOOD CREEK RD
CULDESAC, ID 83524
Phone: 208-843-2766

ORDER

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FILE COPY FOR 00764


Deputy Clerk

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 85-15713

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) VERNON D. AND/OR SHARON B. PERMANN Phone (208) 843-2766

Mailing Address 25588 COTTONWOOD CREEK RD. CULDESAC IDAHO Zip 83524
Street or Box City State

2. Date of Priority: (Only one per claim) AUGUST 15, 2002
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water ☒ or Other () (a) _____
which is tributary to (b) _____

4. Location of Point of Diversion is: Township 36 N, Range 3 W, Section 25,
SW, 1/4 of SW, 1/4 or Govt. Lot _____, BM., County of NEZ PERCE; Parcel (PIN) No. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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. TAG # 22660 → 40 GPM → STATIC WATER LEVEL = 75' BELOW GROUND

WELL - DEPTH: 240 FEET. 1/3 HP SUBMERSIBLE PUMP. W/PRESSURE STORAGE.

DISTRIBUTION TO HOME AND 6 - EXTERNAL FAUCETS. (LAWN, ETC.)

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For DOMESTIC, LAWN, ETC. purposes from JAN 01 to DEC 31 amount .089
Month/Day Month/Day (cfs) or (AEA)

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed 0.089 (cfs) or (AEA)

8. Non-irrigation uses. Describe fully. (eg. Domestic: Give number of households served if single ownership; Stockwater: Type and number of livestock) DOMESTIC, ONE (1) HOUSEHOLD, "de minimus"

Form No. 42-1409 (2) b 7/07

9. Location of Place of Use is: Township 36 N, Range 3 W, Section 25

SW, 1/4 of SW, 1/4, Govt. Lot _____, BM.; Parcel (PIN) No. _____

for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

10. Which county (ies) are lands listed above as place of use located? NEZ PERCE

11. Do you own the property listed above as place of use? Yes (☒) No (☐)

If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

None (☐) (BOTH DECEASED)
UNKNOWN - PREVIOUS OWNERS: JAMES F. / CAMILLE BRONCHEAU

13. Remarks:

A SHALLOW WELL - DEPTH UNKNOWN - ALSO EXISTS ON THIS PROPERTY.

THE FORMER OWNERS WERE NEZ PERCE TRIBAL MEMBERS.

14. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. 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: (2)

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Vern D. Permann Date: 01-22-2009

Bonnie B. Permann Date: 01-22-2009

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____
Title Organization

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

Please Print Name

16. 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 _____

Last Name _____ Identification No. _____

(Note: This is an addendum sheet to Form No. 42-1409 (2) b 7/07, and is being submitted to satisfy requirements as stated in Item 16.: INSTRUCTIONS FOR FILING NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW FOR DOMESTIC AND/OR STOCKWATER PURPOSES WHERE DAILY USE IS LESS THAN 13,000 GALS PER DAY : Form No. 42-1409(2)b)

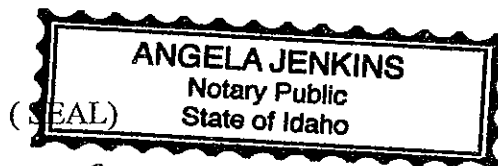
Additional Notes, Re: Item No. 7 (Form No. 42-1409(2)b [Instructions...] – The “Total Quantity Claimed” was arrived at by the following formula: 40gpm (Well output) $\div$ 9gpm (.02cfs) = 4.44 x .02cfs = 0.089 cfs

STATE OF IDAHO)
 : ss
County of Nez Perce)

Notice is hereby given that the individuals submitting the attached document, and therein described as Vernon D. Permann and Sharon B. Permann, residing at 25588 Cottonwood Creek Road – Culdesac, Idaho 83524, have produced legal documentation to be identified as the individuals so stated.

They have appeared before me, and I do hereby attest to their signatures.

Subscribed and sworn to before me on the 22 day of January, 2009.



expires 8.24.2012

Angela Jenkins

Notary Public in and for said State,
Residing at or employed in Idaho.
My commission Expires: 8.24.2012

verified signatures
on related document.

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only

Inspected by _____
Twp. _____ Rge. _____ Sec. _____
_____ 1/4 _____ 1/4 _____ 1/4
Lat. : : Long. : :

1. WELL TAG NO. D 22660
 DRILLING PERMIT NO. _____
 Other IDWR No. _____

2. OWNER
Name Indian Health Services/Sharon Permann
Address 1919 E. Francis
City Spokane State WA Zip 99207

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N
 W E
 S
 Twp. 36 North ☒ or South ☐
 Rge. 3 East. ☐ or West ☒
 Sec. 25 SW 1/4 SW 1/4 1/4
 Gov't - Lot _____ County Nez Perce
 Lat. : : Long: _____
 Address of Well Site Cottonwood Road
 City Lapwai
 (Give at least name of road - Distance to Road or Landmark)

Li. _____ Blk. _____ Sub. _____ Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement, etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Bentonite	0	33	13S	Overbore
				"
				"

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 33'
Was drive shoe seal tested? ☒ Y ☐ N How? Air Test

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6	+1	33	250	Steel	☒	☐	☒	☐
4	-6	240	250	PVC	☐	☒	☒	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

X	Perforations	Method	Saw
	Screens	Screen Type	

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
200	240	1/4x6	111	4	PVC	☐	☒
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

75 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or
control devices: Well Cap

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield-gal./min.	Drawdown	Pumping Level	Time
40+		240	1 hour

Water Temp. 60 Bottom hole temp. _____
Water Quality test or comments: Good

12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

[illegible]

13. DRILLER'S CERTIFICATION--(Rcd)

We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name **Stuivenqa Vessey Drilling** Firm No. **545**

Firm Official [Signature] Date 8-15-02
and
Driller or Operator [Signature] Date 8-15-02

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES