

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 13-8005

RECEIVED
NOV 01 2017

Department of Water Resources
Eastern Region

1. Name of applicant(s) Donald Edwin Philbrick and Donna Lynn Philbrick Phone
 Name connector (check one): ☒ and ☐ or ☐ and/or
 Mailing address 3232 East Riverdale Road City Preston
 State Idaho ZIP 83263 Email
2. Name of representative, if any Randall C. Budge Phone 208-232-6101
 Mailing address P.O. Box 1391 City Pocatello
 State Idaho ZIP 83204-1391 Email rcb@racinelaw.net
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply groundwater which is a tributary of
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
14S	40E	29			SW	NE	Franklin	Groundwater	James S. Read Well

5. Water will be used for the following purposes:
- Amount 0.04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount for purposes from to (both dates inclusive)
 (cfs or acre-feet per year)
- Amount for purposes from to (both dates inclusive)
 (cfs or acre-feet per year)
- Amount for purposes from to (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.04 cubic feet per second (cfs) and/or (b) acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Existing well, 5HP electric motor and pump.
- b. Height of storage dam feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is 6 inches; proposed depth of well is 305 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? 8/25/1994; drilling firm Westlake Drilling;
 well was drilled for (well owner) James S. Read; Drilling Permit No. 13-94-E-017

Received by SC Date 11/1/17 Time Preliminary check by
 Fee \$ 100- Receipted by SC Receipt No. E043531 Date 11/1/17

13-8005

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; must complete and attach the Municipal Water Right Application Checklist.
 - Domestic; show number of households One residential home.
 - Other; describe fully. _____

9. 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 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	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	40	29		D															

Total number of acres to be irrigated: 0.5

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Outside irrigation use provided by Applicant's shares in Riverdale Canal Company.

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: N/A

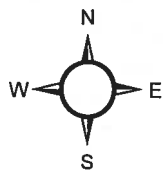
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Joint Use Agreement for Culinary Well attached. Applicant utilizes private septic tank with drain field on their property.

13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

<u>Donald Edwin Philbrick</u> Signature of Applicant Donald Edwin Philbrick Print Name (and title, if applicable)	<u>Donna Lynn Philbrick</u> Signature of Applicant Donna Lynn Philbrick Print Name (and title, if applicable)
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Legend

- POU (Philbrick)
- POD
- TR Lines
- Section Lines
- Quarter Quarters



13-8005



267598

1-10

RECORDED AT THE REQUEST OF
Jim Read
Time 1:13P Amount \$37.00

MAY 13 2016

JOINT USE AGREEMENT FOR CULINARY WELLSHAUNA T. GEDDES, RECORDER
By [Signature] Deputy
Franklin County, Idaho

This Agreement, entered into between JAMES S. READ, a married man, as to his sole and separate property, STEVE and TERI GNEITING, husband and wife, MICHAEL CORDOVA and GEORGIANA CORDOVA, husband and wife, KURT SHIFFMAN and PATTY JO SHIFFMAN, husband and wife, and DONALD EDWIN PHILBRICK and DONNA LYNN PHILBRICK, husband and wife, (hereafter each married couple be jointly called a "water user" or collectively "water users"), all of Franklin County, Idaho, for the purpose of fixing and establishing the parties' rights and obligations for the use of a culinary well and water system used to provide culinary water to the respective properties owned and described as follows:

JAMES S. READ: 3192 East Riverdale Road, Preston, Idaho 83263,
more particularly described in Exhibit "A" attached hereto.

STEVE GNEITING and TERI GNEITING: 3204 East Riverdale Road, Preston,
Idaho 83263, more particularly described in Exhibit "A" attached hereto.

MICHAEL CORDOVA and GEORGIANA CORDOVA: 3225 East Riverdale Road,
Preston, Idaho 83263, more particularly described in instrument number
194730, recorded November 15, 1995, in the land records of Franklin County,
Idaho.

Sam Allen Jenn: Allen
~~KURT SHIFFMAN~~ and ~~PATTY JO SHIFFMAN~~: 3203 East Riverdale Road,
Preston, Idaho 83263, more particularly described in instrument number
194109, recorded August 18, 1995, in the land records of Franklin County,
Idaho.

DONALD EDWIN PHILBRICK and DONNA LYNN PHILBRICK: 3232 East
Riverdale Road, Preston, Idaho, more particularly described in instrument
number 202870, recorded July 8, 1998, in the land records of Franklin County,
Idaho.

RECITALS

WHEREAS, a culinary water system consisting of a well, pump, electrical system and panel shared by the parties hereto is now in place and is located on land currently owned by James S. Read (hereafter "culinary water system"); and,

WHEREAS, the electricity used for the pump on said well is connected to an electrical meter located by the home of Gneitings; and,

WHEREAS, an Application for Drilling Permit No. 13-94-E-017 dated August 15, 1994, was approved by the Department of Water Resources on August 16, 1994; and

WHEREAS, it is the desire of the parties to continue to use said culinary water system for their joint use, and further desire to reach an agreement for the sharing of costs, operation, maintenance, repairs and any improvements that may be needed in connection with said culinary water system.

NOW, THEREFORE, for and in exchange of the mutual covenants, promises and conditions contained herein, the parties agree as follows:

1. Ownership: The water users shall each own equal rights to the culinary water system and the well described in Drilling Permit No. 13-94-E-017, a copy of which is attached hereto and incorporated herein by reference.

2. Joint Use: Each water user shall be entitled to share equally in water produced from said well. Upon agreement by a majority of the water users of said culinary water system, measuring devices may be placed on each of the water connections to such water user in order to determine the amount of water actually being consumed by such water user. Each water user will pay the costs of the meters and installation at their place of residence if meters are installed.

In the event of sale or transfer of a water user's home, the new buyers or transferees will be bound by this agreement or they may disconnect from the culinary water system and obtain their own water source.

3. Utility and Maintenance Costs: All utility charges, costs of maintenance and repairs to the culinary water system and related equipment shall be shared and paid for by the parties as follows:

a. Each water user has already paid their share for the construction and installation of the culinary water system.

b. Any new water connection will be assessed the sum of \$1,000.00.

c. The water users shall each pay a user fee of \$420.00 per year. This sum shall be paid in advance by April 1 of each calendar year or, at the option of each water user, the water user fee may be paid in advance in the amount of \$35.00 per month, or quarterly in advance in the amount of \$105.00 per quarter.

d. The monies collected shall be placed in a bank account ("bank account") and shall be used to pay electrical costs, maintenance and repairs to the joint culinary water system. If the amount held in the bank account ever exceeds \$10,000.00, the water users by majority vote, can suspend payments until the amount held in the bank account is less than \$10,000.00.

e. The names of two of the water users designated by a majority vote of the water users shall be signators and managers of the bank account.

f. In the event a home is sold, no monies from the bank account will be refunded to a selling water user.

g. Nonpayment of the user fees by any of the water users for a period of two months shall result in disconnection of that water user from the culinary water system.

4. Inside Culinary Use Only: The use of the water from the culinary water system shall be limited to culinary use inside the homes of the parties and not for outside use with the exception that water users shall be allowed 100 gallons per day for limited outside use

Specifically, no water from the culinary water system may be used for gardens, lawns, commercial or other similar use. No open hoses or pipes are allowed.

5. Indemnification: It is understood between all of the water users that the water from the culinary water system is not treated nor analyzed for contaminants. Further, the amount of water produced by the culinary water system is uncertain and subject to fluctuations. The water users agree to indemnify and hold each other harmless from any demands, claims, lawsuits, attorneys fees or any other liability arising out of the use of the culinary water system by the water users, their families, or any other third party, invitee or guest of the water users.

6. Decisions and Annual Meeting: Decisions governing the use and control of the culinary water system shall require a majority vote of the water users. No other water users may be placed on the culinary water system without the unanimous consent of all water users. An annual meeting of the water users shall be held on the second Saturday in March of each year unless another day is agreed upon by a majority of the water users.

7. Granted Easement: The parties grant to each other a permanent right-of-way over, under and through their respective real properties to maintain, operate, repair and replace, if necessary, the existing well, pump and motor, pipelines and related equipment, and for the existing water lines for the transportation of water to their respective properties and to permit the joint use and maintenance of the culinary water system as contemplated by this agreement.

8. Damage to System: If any party damages the culinary water system through that party's own negligence, he or she shall be responsible to pay for the repairs to the water system.

9. Assignment: This agreement and the parties and their respective rights as contained herein shall be appurtenant to and run with the land and may be freely transferred or assigned in conjunction with the land.

10. Amount of Use: If there exists insufficient water to maintain the household use as described herein by each of the water users, then mandatory restrictions shall be

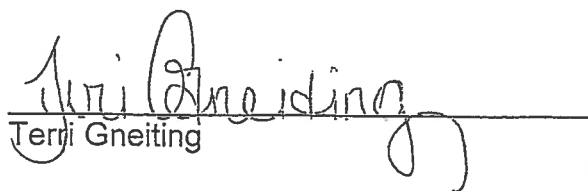
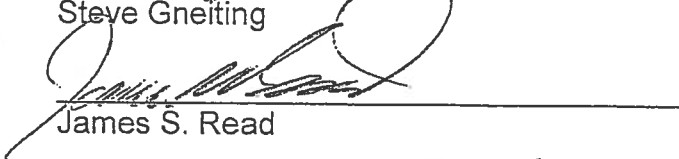
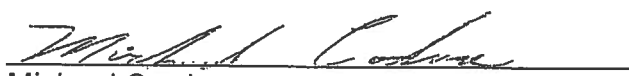
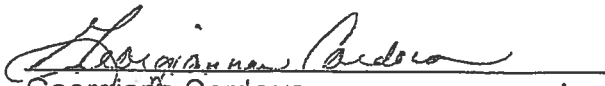
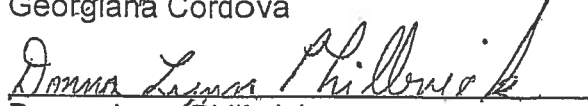
imposed. Measuring devices may be installed and used to determine the amount of water being used by each water user. The specific volume of water to be used by the water users may be fixed or determined by a majority vote of the water users and such restrictions shall be mandatory until such restrictions are lifted in a similar manner.

11. Legal Action: In the event it becomes necessary for any water user to commence legal action to enforce the terms and conditions of this agreement, the prevailing party shall be entitled to recover reasonable attorneys fees and costs.

12. Binding Effect: This agreement shall be binding upon the parties hereto, their heirs, successors and assigns.

13. Recordation: This agreement may be recorded in the Franklin County Recorder's Office.

DATED this ____ day of _____, 2016.


Steve Gneiting
Terri Gneiting
James S. Read
Michael Cordova
Georgiana Cordova
Donald Edwin Philbrick
Donna Lynn Philbrick
Kurt Shiffman
Patty Jo Shiffman

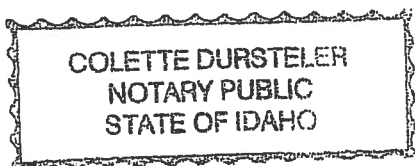
267598 6-10

STATE OF IDAHO

)
) ss.

County of Franklin

On this 1st day of March, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared STEVE GNEITING and TERI GNEITING, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Colette Dursteler

NOTARY PUBLIC for State of Idaho

Residing at:

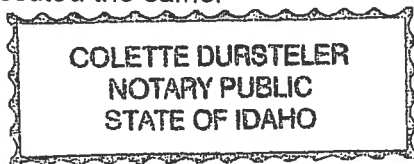
Comm. Expires:

STATE OF IDAHO

)
) ss.

County of Franklin

On this 29th day of February, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared JAMES S. READ, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.



Colette Dursteler

NOTARY PUBLIC for State of Idaho

Residing at: Preston, Idaho

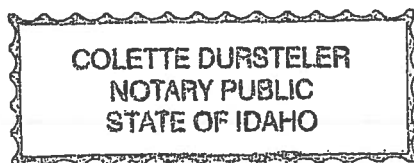
Comm. Expires: 5/5/21

STATE OF IDAHO

)
) ss.

County of Franklin

On this 29th day of February, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL CORDOVA and GEORGIANA CORDOVA, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Colette Dursteler

NOTARY PUBLIC for State of Idaho

Residing at: Preston, Idaho

Comm. Expires: 5/5/21

267598

7-10

STATE OF IDAHO

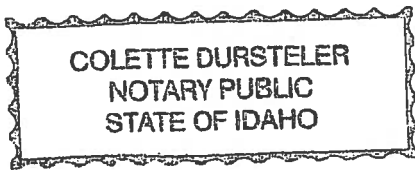
)

) ss.

County of Franklin

)

On this 29th day of February, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared DONALD EDWIN PHILBRICK and DONNA LYNN PHILBRICK, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.



Colette Dursteler

NOTARY PUBLIC for State of Idaho

Residing at: *Preston, Idaho*

Comm. Expires: *5/5/21*

STATE OF IDAHO

)

) ss.

County of Franklin

)

On this _____ day of _____, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared KURT SHIFFMAN and PATTY JO SHIFFMAN, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

NOTARY PUBLIC for State of Idaho

Residing at:

Comm. Expires:



267598

8-10

Acknowledgment by Individual

State of

Utah

County of

IronOn this 6th day of May, 20 16, before me, Justin King
Name of Notary Public

the undersigned Notary Public, personally appeared

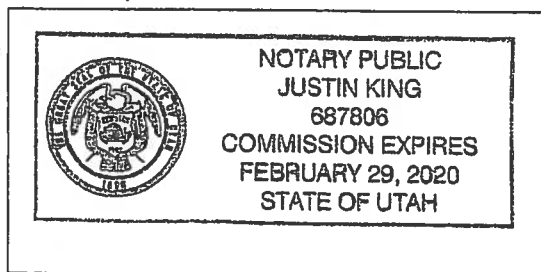
Kurt Schiffman

Name of Signer(s)

- ☐ Proved to me on the oath of _____
- ☐ Personally known to me
- ☒ Proved to me on the basis of satisfactory evidence UT Driver's License 214540023 7/19/2019
(Description of ID)

to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed it.

WITNESS my hand and official seal.



Notary Seal

Justin King
(Signature of Notary Public)

My commission expires February 29, 2020

Optional: A thumbprint is
only needed if state statutes
require a thumbprint.

Right Thumbprint
of Signer

Top of thumb here

Description of Attached Document

Type or Title of Document

Joint Use agreement for Culinary Well

Document Date

5/6/2016

Number of Pages

17

Signer(s) Other Than Named Above

None

Scanner Enabled Stores should scan this form
Manual Submission Route to Deposit Operations

DSG5350 (Rev01-01/15)



FO01-00000DSG5350-01

13-8005

imposed. Measuring devices may be installed and used to determine the amount of water being used by each water user. The specific volume of water to be used by the water users may be fixed or determined by a majority vote of the water users and such restrictions shall be mandatory until such restrictions are lifted in a similar manner.

11. Legal Action: In the event it becomes necessary for any water user to commence legal action to enforce the terms and conditions of this agreement, the prevailing party shall be entitled to recover reasonable attorneys fees and costs.

12. Binding Effect: This agreement shall be binding upon the parties hereto, their heirs, successors and assigns.

13. Recordation: This agreement may be recorded in the Franklin County Recorder's Office.

DATED this 4th day of May, 2016.

Steve Gneiting

Terri Gneiting

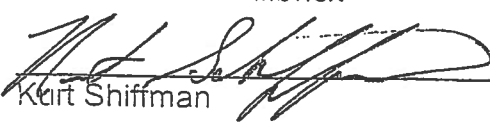
James S. Read

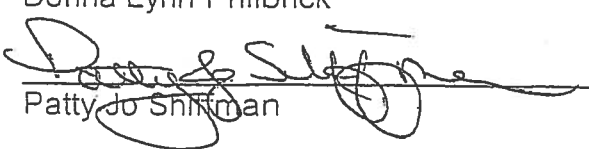
Michael Cordova

Georgiana Cordova

Donald Edwin Philbrick

Donna Lynn Philbrick


Kurt Shiffman


Patty Jo Shiffman

STATE OF IDAHO

County of Franklin

)
) ss.
)

On this _____ day of _____, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared DONALD EDWIN PHILBRICK and DONNA LYNN PHILBRICK, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

 NOTARY PUBLIC for State of Idaho

Residing at:

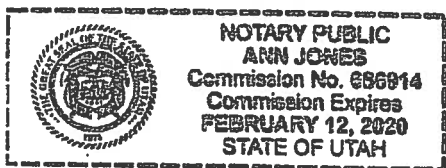
Comm. Expires:

STATE OF IDAHO

County of Franklin

Wah
) ss.
Washington

On this 4 day of May, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared ~~MORT SHIFFMAN~~ and PATTY JO SHIFFMAN, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Ann Jones
 NOTARY PUBLIC for State of Idaho

Residing at:

Comm. Expires:

Washington
2-12-20
Patty only.

1. DRILLING PERMIT NO. 13 - 94 - E-017 - _____
Other IDWR No. _____

2. OWNER:

2. OWNER.
Name Mike Read
Address 3696 W. 1600 E.
City Preston State ID Zip 83263

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N
 Twp. 14 North ☐ or South ☒
 Rge. 40 East ☒ or West ☐
 Sec. 29 1/4 SW 1/4 NE 1/4
 Gov't Lot _____ County Franklin

Address of Well Site _____

City

(Give at least name of road + Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. PROPOSED USE:

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

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Bentomite	0	14	10 bags	chips
cement	14	31	9 bags	
gravel	31	265	3 yds	

Was drive shoe used? Y ☐ N ☒

Was drive shoe seal tested? Y ☐ N ☐ How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6	+1½	266	½	steel	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☒ Perforations Method Knife

☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
220	228	3/8x2	160			5	□
235	245	3/8x2	200			5	□
						□	□

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
55		220	3

Water Temp. 56 F Bottom hole temp. _____

Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Water

[illegible]

Completed Depth 305 (Measurable)
Date: Started 8/15/94 Completed 8/25/94

13. DRILLER'S CERTIFICATION

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

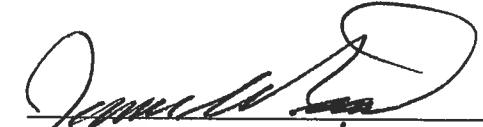
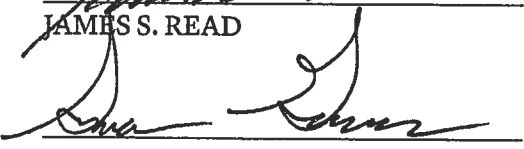
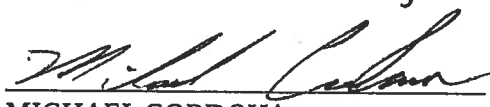
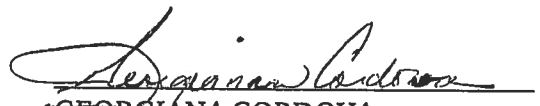
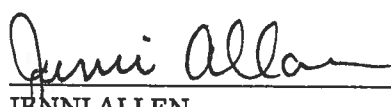
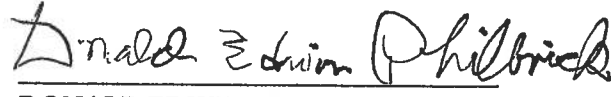
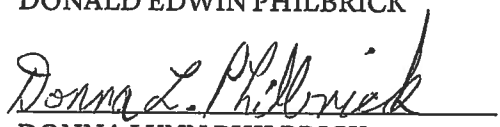
Firm Name	Westlake Drilling	Firm No.	114
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13-8005

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

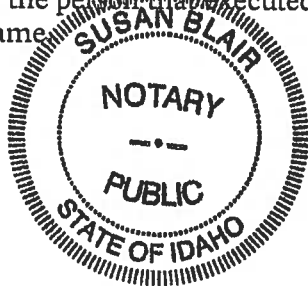
The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on our behalf.

DATED this 21st day of February, 2017.


JAMES S. READ
STEVE GNEITING
TERI GNEITING
MICHAEL CORDOVA
GEORGIANA CORDOVA
as GEORGIANNA
SAM ALLEN
JENNI ALLEN
DONALD EDWIN PHILBRICK
DONNA LYNN PHILBRICK
BARBARA L. HAYNES

STATE OF IDAHO)
County of Franklin) :SS

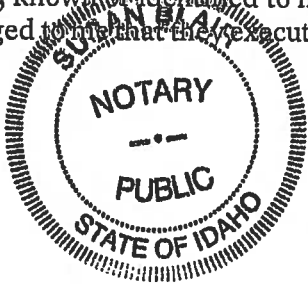
On this 21 day of February, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared JAMES S. READ, known or identified to me to be the person that executed the instrument, and acknowledged to me that he executed the same.



Susan Blair
NOTARY PUBLIC FOR IDAHO
Residing at: Weston, Id
Commission expires: 12-07-21

STATE OF IDAHO)
County of Franklin) :SS

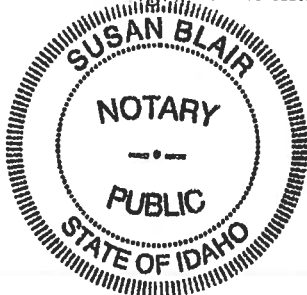
On this 22 day of February, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared STEVE GNEITING and TERI GNEITING, known or identified to me to be the persons that executed the instrument, and acknowledged to me that they executed the same.



Susan Blair
NOTARY PUBLIC FOR IDAHO
Residing at: Weston, Id
Commission expires: 12-07-21

STATE OF IDAHO)
County of Franklin) :SS

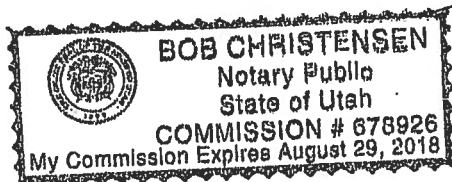
On this 21 day of February, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL CORDOVA and GEORGE GIANCORDOVA, known or identified to me to be the persons that executed the instrument, and acknowledged to me that they executed the same.



Susan Blair
NOTARY PUBLIC FOR IDAHO
Residing at: Weston, Id
Commission expires: 12-07-21

UTAH
STATE OF ~~IDAHO~~)
County of CACHE) :ss

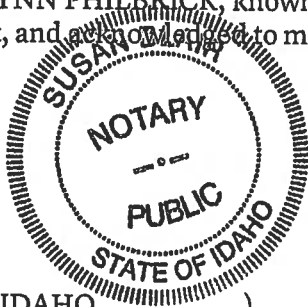
On this 23 day of FEBRUARY, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared SAM ALLAN and JENNI ALLEN, known or identified to me to be the persons that executed the instrument, and acknowledged to me that they executed the same.



[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: North Logan, UTAH
Commission expires: 08/29/2018

STATE OF IDAHO)
County of Franklin) :ss

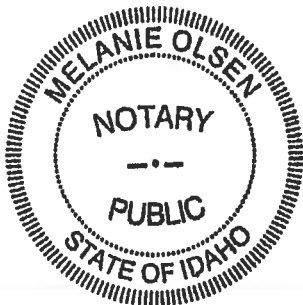
On this 21 day of February, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared DONALD EDWIN PHILBRICK and DONNA LYNN PHILBRICK, known or identified to me to be the persons that executed the instrument, and acknowledged to me that they executed the same.



[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Weston, ID
Commission expires: 12-07-21

STATE OF IDAHO)
County of Franklin) :ss

On this 23 day of February, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared BARBARA L. HAYNES, known or identified to me to be the person that executed the instrument, and acknowledged to me that she executed the same.



[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Preston, ID
Commission expires: 10-4-2022

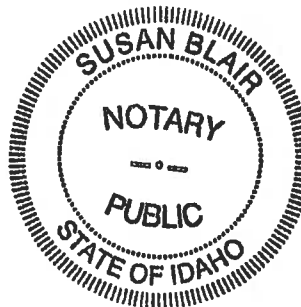
State of Idaho
County of Franklin

}
} ss.

On this ²³~~22~~ day of February, 2017, before me, a Notary Public in and for said county and state, personally appeared, JENNI ALLAN, known or proved to me to be the person(s) who executed the foregoing instrument, and acknowledged to me that she executed the same.


Notary Public

Resides: Weston, Id.
Expires: 12-07-21





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

November 9, 2017

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

DONALD EDWIN PHILBRICK
DONNA LYNN PHILBRICK
3232 EAST RIVERDALE RD
PRESTON, ID 83263

Application For Permit No. 13-8005

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the PRESTON CITIZEN on November 15 and 22, 2017. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**on December 4, 2017 at 5:00 pm**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

CC: RANDALL C BUDGE
RACINE OLSON LAW
PO BOX 1391
POCATELLO, ID 83204-1391

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, November 09, 2017 6:56 AM
To: 'dmunson@hjnews.com'
Subject: Legal Notice for your paper
Attachments: Preston Citizen E-Mail.doc

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

November 9, 2017

MAY CONTAIN MORE THAN ONE PAGE!

Legal Notice Department

Preston Citizen
PO Box 472
Preston ID 83263

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before December 4, 2017. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant
Dept of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-525-7161
208-525-7177 – fax

PLEASE PUT IN NORMAL COLUMN AND NO BORDERS. THANK YOU.

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

13-8005

DONALD EDWIN PHILBRICK
DONNA LYNN PHILBRICK
3232 EAST RIVERDALE RD
PRESTON, ID 83263

Point of Diversion
SWNE S29 T14S R40E

FRANKLIN County

Source GROUND WATER Tributary

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/1/2017

Place Of Use: DOMESTIC

T14S R40E S29 NWNE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before December 4, 2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on November 15 and 22, 2017

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

13-8005

DONALD EDWIN PHILBRICK

DONNA LYNN PHILBRICK

3232 EAST RIVERDALE RD

PRESTON, ID 83263

Point of Diversion

SWNE S29 T14S R40E

FRANKLIN County

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GARY SPACKMAN, Director

Published on November 15 and 22, 2017



RACINE OLSON
ATTORNEYS

RANDALL C. BUDGE
rcb@racinelaw.net

October 30, 2017

RECEIVED

NOV 01 2017

Department of Water Resources
Eastern Region

James Cefalo, Program Manager
Idaho Department of Water Resources
Eastern Region
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Domestic Water Right Applications – Jim Read, et al.

Dear James:

Enclosed please find an original and extra copy of an Application for Permit for a small domestic water right submitted on behalf of Donald and Donna Philbrick.

Also enclosed is a check for filing fee, together with stamped and addressed return envelopes. Please file and process the original and conform stamp and return the extra copy to me in the enclosed stamped and addressed return envelope.

This application pertains to the existing well which is the subject matter of the pending Application for Permit 13-7992. That application is on hold due to the unresolved protest of Pete Peterson and a lack of cooperation from Riverdale Canal Company in drying up the one acre of land provided by Jim Read for mitigation. That application may be withdrawn upon approval of the new domestic applications.

If you have any questions, please give me a call. Thanks for your assistance. Kindly advise when the applications will go to publication.

Sincerely,



RANDALL C. BUDGE

RCB:ts

Enclosures

c: Donald and Donna Philbrick