

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-14956

Priority: May 16, 2008

Maximum Diversion Rate: 1.00 CFS

This is to certify, that JAMES D PIPPIN
2259 KILBORN LN
MESA ID 83643

has applied for a permit to appropriate water from:

Source: GROUND WATER

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 10/31	1.00 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4SE1/4 Sec. 21, Twp 15N, Rge 01W, B.M., ADAMS County

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
15N 01W 21													25.0	25.0			50.0

Total Acres: 50

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
15N 01W 21													X	X			

CONDITIONS OF APPROVAL

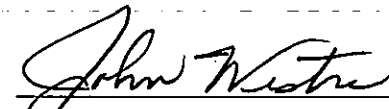
1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2014**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-14956

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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. This right does not grant any right-of-way or easement across the land of another.
6. 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.
7. Stockwater use is for 50 range cattle.
8. 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 if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 11th day of May, 2009.


JOHN WESTRA, Western Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 13, 2009

JAMES D PIPPIN
2259 KILBORN LN
MESA ID 83643

RE: Permit No. 67-14956

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources 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 the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date 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 water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water 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 mailing address to the Department within 120 days of the change. Failure 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 forms and instructions.

If you have any questions, please contact me at 208-334-2190.

Sincerely,


for John Westra
Western Regional Manager

Enclosure(s)

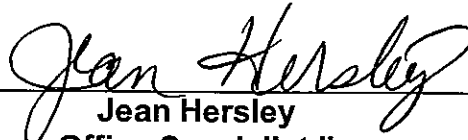
CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2009 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

67-14956

**JAMES D PIPPIN
2259 KILBORN LN
MESA ID 83643**



**Jean Hersley
Office Specialist II**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this order. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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 Director 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.

REVIEW CHECKLIST -- APPLICATION OR PERMIT

Initial review by JFW Date 4/8/09 Application # 67-14956

REQUIRED INFORMATION

☒ Name (corporation or partnership, names & addresses for director, officers, &/or other partners must be included) }
 } bus. entity #
☒ Address
☒ Source * (see USGS quad for source/trib names, comment for local name)
☒ P/D (10 acres for spring, lot & block info for subdivisions)
☒ County *
☒ Quantity (flow & /or storage volume)
☒ Period of use *
☒ Nature of use (list details in appl. item 8 if non-irrigation)
☒ Description of diverting works
☒ Time required for beneficial use of water 5 yrs
☒ P/U
☒ Map (show T, R, S, QQ &/OR QQQ)
☒ Signature (need title of signatory if applicable)
☒ Correct fee paid

Government Lots

P/D

P/U

* tributary, county &/or irrigation season corrected per dept. standards w/o amended appl.

ANALYSIS

YES NO

☒ P/D overlap (explain)
☒ P/U overlap (explain) 67-13244 - BLM instream stock - NE SE
☒ Bs 63 ground water < 200 ft. deep above Star - why ok or not ok to process
☒ Bs 63 surface water above Star & consumptive use - cannot process unless mitigated
☒ Bs 77, 78, 79 - 42-111 D/S any source or community well, normal processing; all others parallel process w/ SO, county comment letter; check for Wild & Scenic processing
☒ Critical ground water area delay - no cons. use - send letter if cannot process
☒ Ground water mngt. area - send letter: info for Q, injury etc. - or - if cannot process
☒ Large diversion > 5 cfs, > 500 af storage or > 200 acres - attach large diversion checklist
☒ Minimum flow or Protected river status - email water planning bureau
☒ Mitigation plan - consumptive use, p/d in closed area, acceptable plan needed/submitted
☒ Municipal - required info per wr processing/application tips (see muni + attachment b)
☒ Power residency affidavit - send power letter for other factors if needed
☒ Storage proposed - email regional Dam Safety
☒ Stream Channel, perennial stream p/d &/or return flow - email regional SCA
☒ Surface water source - IDFG comment letter
☒ Trust Water - p/d in t.w. boundary for consumptive use - attach trust water checklist
☒ Wild & Scenic - Bs 77 & 78, county comment letter, spreadsheet update, advertising remarks

☒ REQUEST ADDITIONAL INFORMATION FROM APPLICANT

Date Requested 4/8/09 Date Response Received 4/07/09
Letter - incomplete application

YES NO

☒ ☒ Statewide advertising (> 10 cfs &/or 1000 af storage)
☒ Fee amount, receipt number, & date recorded on application

COMMENT LETTERS

YES NO

☐ IDFG
☐ IDL
☐ IDWR Water Planning Bureau
☐ Other - list here or see attached

YES NO

☐ US BLM
☐ US Forest Service
☐ Water Dist # _____
note: IDEQ comments covered in well drilling process

NOTES

☒ See attached proof report, note Legal Notice Remarks &/or Comments
☒ Shapefile completed (optional: attach with proof report)
☒ DP fee upgrade requested & documented: _____ Paid ☒ Not Paid = SO follow up
Well Tag 005329 - Domestic
COMPLETE TO HERE BEFORE FILE FORWARDED FOR ADVERTISING

LEGAL NOTICE & PROTEST

Final date for protest May 4, 2009

YES NO

☐ ☒ Protests received
If Yes: _____ Scan protest to powerdocs
☒ Affidavit of publication received & published correctly
If No: _____ Re-advertising & published correctly
☒ Newspaper & publication dates recorded on application

RECOMMENDATIONS

☒ memo attached, date = _____
☒ measuring device required OIM
☒ future mitigation condition 121, consumptive use, unless covered in mitigation plan
☐ watermaster 6/15 cutoff: ☐ basin 65, condition 185 ☐ basin 67, condition 086
☒ water-bearing zone condition, basin 63 - n/a for 42-111 use or p/d below Star

5 yr. Development.

Conditions: 26A, OIM, 004, 121, R64, X02 - 50 hd cattle

Date of Priority 5/16/08 (Amendment corrections only)

☒ Approve ☐ Deny by J. Weston Date 5/8/09

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT1. WELL TAG NO. D 0053294

Drilling Permit No. _____

Water right or injection well # 67-14956

2. OWNER: _____

Name JIM PIPPINAddress 2259 KILBORN LN.City Mesa State ID Zip 83643

3. WELL LOCATION:

Twp. 1S North ☒ or South ☐ Rge. 1E East ☐ or West ☒Sec. 21 1/4 NW 1/4 SE 1/4Gov't Lot _____ County AdamsLat. 44 ° 37.242 (Deg. and Decimal minutes)Long. 116 ° 27.536 (Deg. and Decimal minutes)Address of Well Site 0.5m W of old 95 on 6th8.375m S of Hwy City Mesa

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

Lot _____ Blk. _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation ☐ Thermal ☐ Injection☒ Other Irrigation. Rights applied for

5. TYPE OF WORK:

☒ New well ☐ Replacement well ☐ Modify existing well☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES:

Seal material	From (ft)	To (ft)	Quantity (lbs or cu yd)	Placement method/procedure
BENTONITE	0.5		3850	pour
CURBING		400		SIF & Slough

8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing	Liner	Threaded	Welded
<u>6</u>	<u>H</u>	<u>441</u>	<u>250</u>	<u>STEEL</u>	☒	☐	☐	☒
					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 441

9. PERFORATIONS/SCREENS:

Perforations ☐ Y ☒ N Method _____Manufactured screen ☐ Y ☐ N Type _____

Method of installation _____

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule

Length of Headpipe _____ Length of Tailpipe _____

Packer ☐ Y ☐ N Type _____

10. FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or cu ft)	Placement method

11. FLOWING ARTESIAN:

Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG) _____

Describe control device _____

12. STATIC WATER LEVEL and WELL TESTS:

Depth first water encountered (ft) 219 Static water level (ft) 2200Water temp. (°F) 65 Bottom hole temp. (°F) 65

Describe access port _____

Well test: _____ Test method: _____

Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)	Pump	Bailer	Air	Flowing artesian
<u>240</u>	<u>100</u>	<u>120</u>	☐	☐	☒	☐

Water quality test or comments: _____

13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water Y	N
<u>11</u>	<u>0</u>	<u>2</u>	<u>Soil</u>		
<u>11</u>	<u>2</u>	<u>4</u>	<u>Clay</u>		
<u>11</u>	<u>4</u>	<u>8</u>	<u>Sandy Clay</u>		
<u>10</u>	<u>8</u>	<u>10</u>	<u>Sandy Clay</u>		
<u>10</u>	<u>10</u>	<u>16</u>	<u>Clay & Rocks</u>		
<u>10</u>	<u>16</u>	<u>60</u>	<u>Semi-Cons. Gravel</u>		
<u>10</u>	<u>60</u>	<u>90</u>	<u>Hard Dry Clay GPN</u>		
<u>10</u>	<u>90</u>	<u>95</u>	<u>" " " " " "</u>		
<u>10</u>	<u>95</u>	<u>97</u>	<u>Cem. Gravel</u>		
<u>10</u>	<u>97</u>	<u>153</u>	<u>Gray Clay & Gravel Layers</u>	☒	
<u>9</u>	<u>153</u>	<u>160</u>	<u>Sand</u>		☒
<u>9</u>	<u>160</u>	<u>338</u>	<u>Clay & Sand</u>	☒	☒
<u>9</u>	<u>338</u>	<u>347</u>	<u>Hard Dry Clay</u>		☒
<u>9</u>	<u>347</u>	<u>365</u>	<u>Boulders</u>		☒
<u>9</u>	<u>365</u>	<u>371</u>	<u>Clay</u>		☒
<u>9</u>	<u>371</u>	<u>375</u>	<u>Sand</u>	☒	
<u>9</u>	<u>375</u>	<u>375</u>	<u>Bgsalt</u>		☒
<u>8</u>	<u>375</u>	<u>401</u>	<u>Basalt w/ Fractures</u>	☒	
<u>7.5</u>	<u>401</u>	<u>441</u>	<u>Basalt w/ Fractures</u>	☒	
<u>6</u>	<u>441</u>	<u>476</u>	<u>Basalt w/ Fractures</u>	☒	
<u>6</u>	<u>476</u>	<u>480</u>	<u>BROKEN BGSALT</u>	☒	
<u>6</u>	<u>480</u>	<u>486</u>	<u>Fractured Basalt</u>	☒	

RECEIVED

NOV 17 2008

WATER RESOURCES
WESTERN REGIONCompleted Depth (Measurable): 480Date Started: 9-29-08 Date Completed: 10-28-08

14. DRILLER'S CERTIFICATION:

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

Company Name Roberts Drilling Inc. Co. No. 589*Principal Driller [Signature] Date 10-29-08

*Driller _____ Date _____

*Operator II _____ Date _____

Operator I _____ Date _____

* Signature of Principal Driller and rig operator are required.

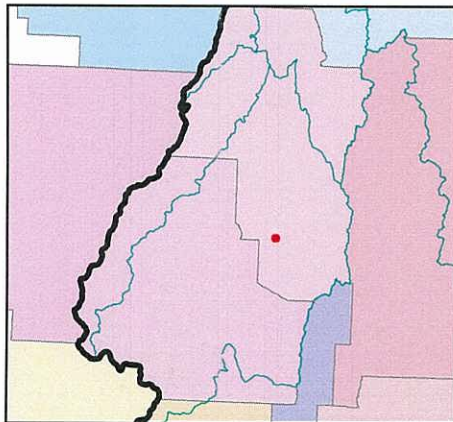


Idaho Department of Water Resources

Application
67-14956
(IRRIGATION)

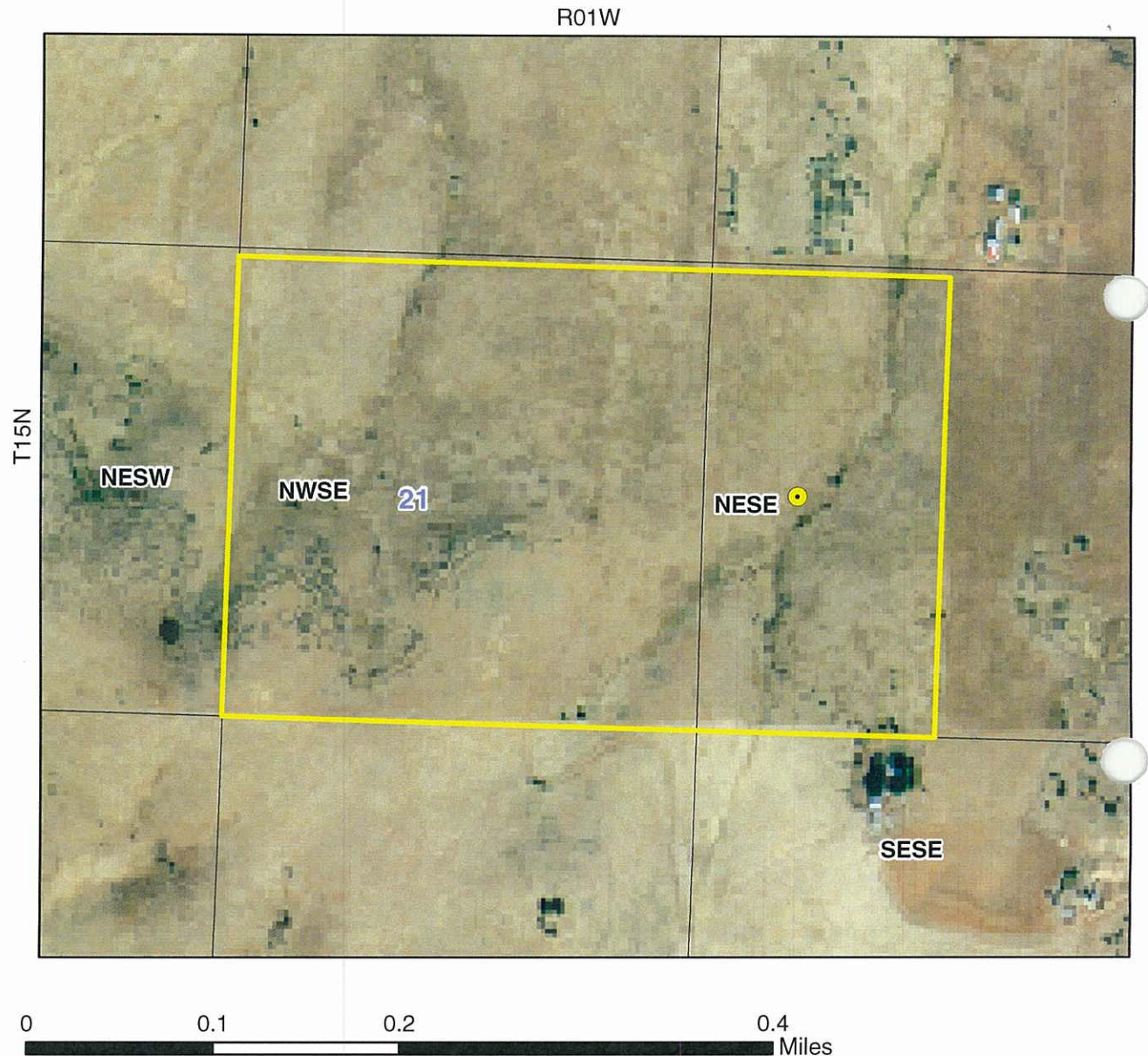
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Adams County
IDWR Basin 67

Prepared by John Westra
On April 08, 2009
2004 Aerial Photography



IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 67-14956

WATER RIGHT NUMBER: 67-14956

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES D PIPPIN 2259 KILBORN LN MESA, ID 83643 (208)741-9001

Priority Date: 05/16/2008

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	1.000 CFS	
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 21, Twp 15N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	01W	21													25.0	25.0			50.0

Total Acres: 50

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	01W	21									X	X							

Conditions of Approval:

RECEIVED

MAY 06 2009

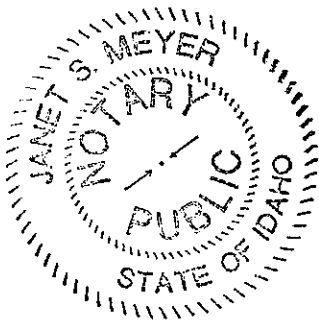
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
) SS
COUNTY OF ADAMS)

Gamaliel L. Gardner-Masters being duly sworn, deposes and says that he is the Principle Clerk of the Adams County Record, a weekly newspaper printed and published at Council, Adams County, State of Idaho and having a general circulation therein and which said newspaper has been published continuously and uninterrupted in said County for a period of twelve (12) months prior to the first publication of the advertisement, a copy of which is attached thereto: that advertisement was published in the regular edition of The Adams County Record for two (2) insertion(s) beginning with the Issue of April 16, 2009 and ending with the Issue of April 23, 2009.

Gamaliel L. Gardner-Masters

On this 5 day of May, 2009, before me, a Notary Public, personally appeared Gamaliel L. Gardner-Masters, known or identified to me to be the person whose name subscribed to the written instrument, and being by me first and duly sworn, declared that the statements therein are true and acknowledged to me that he executed the same.



[Signature]
Notary Public of Idaho
Residing at Anderson Valley
My Commission Expires 8/31/12

To: IDAHO DEPARTMENT OF WATER RESOURCES
Subject: 67-14956 JAMES D PIPPIN

✓ OK

**LEGAL NOTICE**

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

67-14956

JAMES D PIPPIN

2259 KILBORN LN

MESA ID 83643

Point(s) of Diversion NESE S21 T15N R01W ADAMS County Source GROUND WATER

Use: IRRIGATION 03/15 To 10/31 1 CFS

Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Total Diversion: 1 CFS

Date Filed: 05/16/2008

Place Of Use: IRRIGATION

T15N R01W S21NESE NWSE

Number of Acres 50

Place Of Use: STOCKWATER

T15N R01W S21NESE NWSE

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 Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 05/04/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on April 16th & 23rd, 2009

Published in the Adams County Record April 16, 2009 • April 23, 2009

✓ OK DB 5/7/09