

29-13760 ~ OR TRAIL BROADCASTING

Dom. IN-HOME $\frac{1}{2}$ IRR: 0.02 CFS @ 1.2 AF

P.O.D.: SENENE T7S R35E SEC.18 $\neq$ DIFF. FROM PERMIT (NENENE)

P.O.U.: NENE T7S R35E SEC.18

OVERLAP ANALYSIS

29-13759 ~ OR TRAIL BROADCASTING (G.W.)

0.04 CFS DOMESTIC

P.O.D. NENENE T7S R35E SEC.18

P.O.U. NENE " "

→ APPEARS TO PROVIDE USE NO NORTH BUILDING @ 29-13760
PROVIDES USE TO SOUTH BUILD. ~~PROBABLY~~ SAME P.O.D.
PROBABLY

→ NO OVERLAP

29-10649 ~ AKERS (G.W.)

0.13 CFS 25.60 AF IRR. $\frac{1}{2}$ STOCKH20

P.O.D.: SW NENE T7S R35E 18

P.O.U.: NENE SE NE T7S R35E SEC.18

} OVERLAP P.O.U., BUT NOT
P.O.D. OR USE.
NO OVERLAP

29-10652 ~ AKERS (G.W.)

P.O.D. SW NENE T7S R35E 18

P.O.U. NENE T7S R35E 18

29-2353 ~ GORDON (G.W.)

0.04 CFS IRR. 1.95 AC @ 0.34 Dom.

P.O.D. NENE T7S R35E 18

P.O.U. " "

} NOT SAME RESIDENCE OR LOT NO OVERLAP

29-2459A ~ RODGERS (A=G.W.), ~~B=G.W.~~

A: 0.09 CFS Dom. $\frac{1}{2}$ IRR Z SPLIT 0.21 CFS

~~B: 0.12 CFS IRR.~~

[0.04 CFS REECE USED ON NW 1/4 & NENE
0.12 CFS OR TRAIL

29-2459B ~ OR TRAIL (G.W.)

0.12 CFS IRR. 6.6 ACRES

P.O.D.: NW NENE T7S R35E 18

} Δ P.O.D. & USE NO OVERLAP

29-269, 270 ~ EDWARDS (SURFACE H2O) Δ P.O.D. NO OVERLAP

29-7386 ~ OR TRAIL

0.21 CFS 26 AFY IRR.

P.O.D. NW NENE T7S R35E 18

P.O.U. NENE " "

} Δ P.O.D. Δ USE $\therefore$ NO OVERLAP.

[illegible]

Method of Determination:

3. ☐ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
☐ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
☒ Aerial Photo Attached (required for irrigation of 10+ acres).
☐ Photo of Diversion and System Attached

4.

<u>Well or Diversion ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge Size</u>
	submersible	pump			

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

<u>Measurement Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>

2. Measurements:

use domestic standards

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

Measured Method:

0.04 CFS

↑ No 2 hrs To Verify

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses:

one home with lawns = 1.2 AF/A

G. NARRATIVE/REMARKS/COMMENTS

two homes on a well with lawns, submersible pump.
29-13759 is an SRBA recommendation for the first home.

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS

1. Recommended Amounts

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
DOMESTIC	01/01 to 12/31	0.040 CFS	1.20 AF/A
Totals:		0.040 CFS	1.20 AF

2. Recommended Amendments

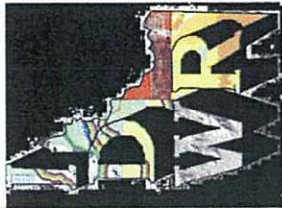
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name DAVE CARLSON Date 7/20/2007

Reviewer _____ Date _____

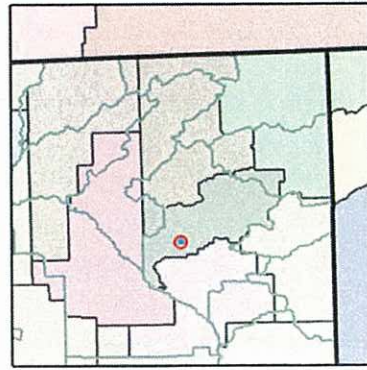


Idaho Department of Water Resources

Water Right:
29-13760
(Domestic)

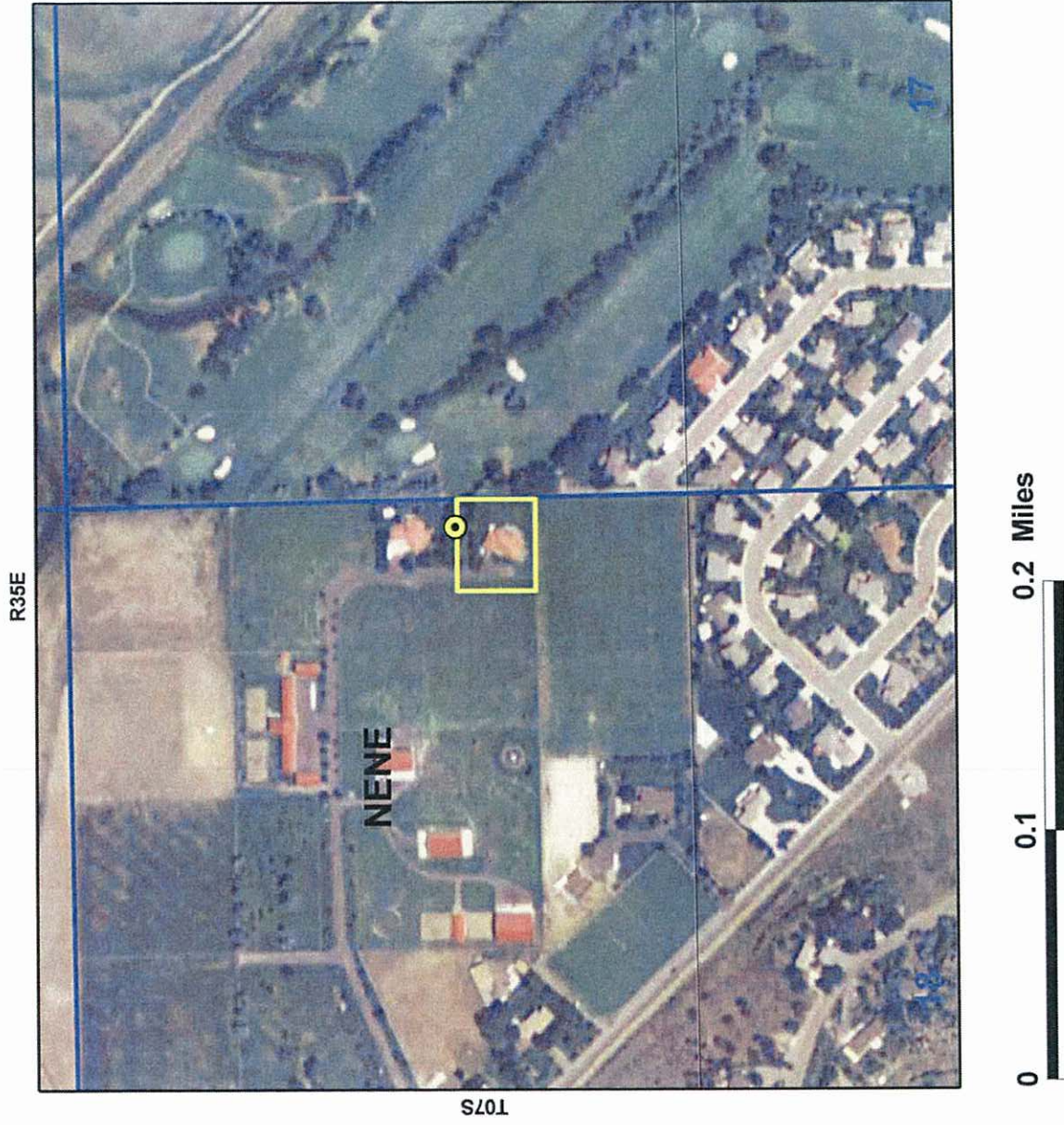
Legend

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



Bannock County
IDWR Basin 29

Prepared by D. Carlson
On Friday, July 20, 2007
2004 Aerial Photography



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08752

Priority: April 17, 1996

Maximum Diversion Rate: 3.00 CFS
Maximum Diversion Volume: 54.0 AF

It is hereby certified that GUSTAFSON FAMILY TRUST
PO BOX 209
HAGERMAN ID 83332-0209 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 17, 1996; and has
submitted Proof of Beneficial Use on August 27, 1996. An examination indicates that the works have a
diversion capacity of 5 cfs of water from:

SOURCE

LOWER TUCKER SPRINGS

Tributary: RILEY CREEK

UPPER TUCKER SPRINGS

RILEY CREEK

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>
WILDLIFE STORAGE	01/01 to 12/31		54.0 AF
DIVERSION TO STORAGE	11/15 to 03/15	3.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

UPPER TUCKER SPRINGS NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, Twp 07S, Rge 13E, B.M. GOODING County
LOWER TUCKER SPRINGS SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, Twp 07S, Rge 13E, B.M. GOODING County

PLACE OF USE: WILDLIFE STORAGE

Twp	Rge	Sec	NE	NW	SW	SE	
			NE	NW	SW	SE	Totals
07S	13E	36	X	X			

CONDITIONS OF APPROVAL

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
3. Rights 36-8567 and 36-8752 when combined shall not exceed a total diversion rate of 3.00 cfs.
4. Wildlife Storage use is for four ponds.

State of Idaho
Department of Water Resources
Water Right License

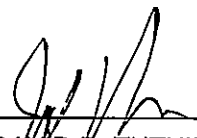
WATER RIGHT NO. 36-08752

CONDITIONS OF APPROVAL

5. Water is delivered through Big Bend Ditch.
6. The rate of diversion shall not conflict or interfere with the future diversion of water for irrigation or other beneficial uses.
7. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

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 6th day of January, 2009.



For DAVID R. TUTHILL, JR.
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

January 8, 2009

GUSTAFSON FAMILY TRUST
PO BOX 209
HAGERMAN ID 83332-0209

RE: License No. 36-8752

Issuance of License

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed Water Right Licenses confirming that water rights have been established in accordance with your permits. Please be sure to thoroughly review the conditions of approval and remarks listed on your licenses.

Each license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders 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.

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 208-287-4947.

Sincerely,

for 
Shelley W. Keen, Manager
Water Right Permits Section

Enclosure(s)

cc: Frank C. Erwin

CERTIFICATE OF SERVICE

I hereby certify that on January 8, 2009 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDERS (Approved License) to the person listed below:

RE: WATER RIGHT NO. 36-8752

**GUSTAFSON FAMILY TRUST
PO BOX 209
HAGERMAN ID 83332-0209**

**FRANK C ERWIN
711 EAST AVE N
HAGERMAN ID 83332**

Emalee Rushing
**Emalee Rushing
Office Services Supervisor**

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.