

STARTING LEFT SIDE OF FILE

SCANNED
MAR 05 2008

RECEIVED

AUG 07 2008

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$: 50.00

Receipt No. 0087392

Receipt By: CA

Date Received: 8/7/08

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has completed all work that will occur for the development of a water right and that water has been applied to beneficial use(s) to the extent described below. **This form must be accompanied by a license examination fee, when necessary, or accompanied by a completed Beneficial Use Field Report prepared by a certified water right examiner.** If you no longer own the property and want to convey this permit to the new owner, please complete an Assignment of Permit form and send it to the Department with a \$25.00 filing fee. Assignment forms are available from any Department office or at www.idwr.idaho.gov.

1. Permit No. 47-17099 Telephone No. 208-731-88302. Name of Permit Holder(s): JOHN D and ROSEMARY MCGONIGAL3. Mailing Address: P.O. BOX 102 City JEROMEState ID Zip 83338 Email: —4. Source of Water: GROUND WATER If GROUND WATER (well), Date Drilled: mo. 08 / yr. 03Well Driller: ELSING DRILLING Drilling Permit Number: 803379

5. Extent of use(s) completed (as authorized by the water right permit):

Domestic (No. of households): 4 Stockwater (No. and type of stock): —Irrigation (No. of acres): — Other: —6. Total rate of diversion or storage volume for which proof is submitted: 0.10 cfs OR — acre-feet.

7. Compliance with a Measuring Device requirement and/or other Conditions of Permit: (Refer to the approval conditions on your permit and respond accordingly.)

Measuring Device: Is a measuring device required?

If yes, has the measuring device been installed?

Yes ☐ or No ☒Yes ☐ or No ☐

Conditions of Permit: Does your permit require you to submit additional information in connection with your proof of beneficial use? (If yes, please list the conditions below and provide documents if necessary.)

N/A.

Completed?

Yes ☐ or No ☐N/A.

Completed?

Yes ☐ or No ☐8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use. Proofs filed without an appropriate fee, will be considered incomplete.)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: JOHN MCGONIGAL Telephone Number: 208-731-8830Mailing Address: P.O. BOX 102 City JEROMEState ID Zip 83338 Email: —

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of permit holder:

John D McGonigal
(include your title, if on behalf of company or organization)Date: 8-5-08

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only			
Well ID No.			
Inspected by			
Twp	Rge	Sec	
1/4	1/4	1/4	
Lat:	:	Long:	:

1. WELL TAG NO. D 0016708
DRILLING PERMIT NO. 803379
Water Right or Injection Well No. 47-17099 (Application)

2. OWNER:

Name James Ray Construction
Address 3510 Addison Ave. East
City Kimberly State ID Zip 83341

3. LOCATION OF WELL by legal description:

You must provide address or Lot, Blk, Sub. or Directions to well.

Twp. 10 North ☐ or South ☒
Rge. 16 East ☒ or West ☐
Sec. 26 NW 1/4 NE 1/4
Gov't Lot 10 County Twin Falls 160 acres
Lat: : : Long: : :

Address of Well Site Magic View Lane City Twin Falls

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

Lt. 11 Blk. Sub. Name
Magic View (Well shared with Lot 4, 5, 6)

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 Material	From	To	Weight / Volume	Seal Placement Method
Bentonite	5	78	31 S	Poured

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 79 ft.Was drive shoe seal tested? ☒ Y ☐ N How? Air pressure

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	+1	79	250	Steel	☒	☐	☒	☐

Length of Headpipe _____ Length of Tailpipe _____

Packer ☐ Y ☐ N Type _____

9. PERFORATIONS/SCREENS PACKER TYPE

Perforation Method _____

Screen Type & Method of Installation _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

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

12. WELL TESTS:

☐ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

Depth first Water Encounter _____

13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water	Y	N
8"	0	8	Caliche			X
	8	33	Gray basalt			X
	33	74	Cinders, loose, lost circulation			X
	74	79	Fractured gray basalt			X
6"	79	90	Fractured gray basalt			X
	90	97	Tan clay			X
	97	193	Fractured gray basalt		X	
	193	199	Broken basalt, lost circulation		X	
	199	232	Fractured			X
	232	257	Cinders		X	
	257	265	Fractured		X	
	265	276	Hard			X
	276	283	Fractured, soft		X	
	283	305	Fractured		X	
			Actual bore hole diameter is 8-3/4" and 6-1/8"			

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Department of Water Resources
Southern RegionCompleted Depth 305 ft. (Measurable)Date: Started 8-11-03 Completed 8-12-03

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 Elsing Drilling Firm No. 31Principal Driller Arnold Elsing Date 8-15-03and Driller or Operator II Craig Egan Date 8-15-03Operator I David Hayden Date 8-15-03Principal Driller and Rig Operator Required.
Operator I must have signature of Driller/Operator II.

FORWARD WHITE COPY TO WATER RESOURCES

Idaho Department of Water Resources Receipt

Receipt ID: C087392

Payment Amount	\$50.00	Date Received	8/7/08 2:21	Region	STATE
Payment Type	Check	Check Number	2586		
Payer	MCGONIGAL JOHN D. OR ROSEMARY				

Comments Statement of Completion: 47-17099

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$50.00	BENEFICIAL USE	0229	21	56104	1155



Signature Line (Department Representative)

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 47-17099

Priority: August 06, 2003

Maximum Diversion Rate: 0.10 CFS

This is to certify, that JOHN D MC GONIGAL And ROSEMARY MC GONIGAL
PO BOX 102
JEROME ID 83338

have 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>
DOMESTIC	01/01 to 12/31	0.10 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26, Twp 10S, Rge 16E, B.M., TWIN FALLS 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
10S 16E 26		X															

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2008**.
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 permit holder had no control.
4. Domestic use is for 4 homes.
5. Point of diversion is located within Lot 11, Magic View Subdivision.
6. Place of use is located within Lots 4, 5, 6 and 11 of Magic View Subdivision.
7. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality or District Health Department.

MICROFILMED
FEB 24 2004

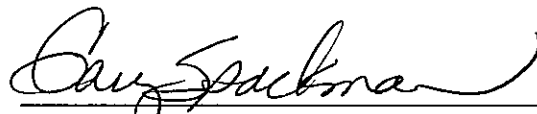
State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 47-17099

11. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 24th day of October, 2003.



KARL J DREHER, Director

MICROFILMED

FEB 24 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: JOHN D MC GONIGAL

PO BOX 102

JEROME ID 83338

(208)731-8830

AND

ROSEMARY MC GONIGAL

PO BOX 102

JEROME ID 83338

(208)324-4828

2. Source: GROUND WATER

3. Location of Point of Diversion:

#1 GROUND WATER

SE1/4NW1/4NE1/4

Sec. 26, Twp 10S, Rge 16E, B.M.

TWIN FALLS County

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.10 CFS	

5. Total quantity to be appropriated is: 0.10 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: 6" X 200 FT WELL, PRESSURE TANK, MAINLINE TO 4 LOTS

b. Height of storage dam _____ feet;

Active reservoir capacity _____ acre-feet;

Total reservoir capacity _____ acre-feet;.

c. Proposed well diameter is _____ inches;

Proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85F being sought? NO

e. If well is already drilled, when? _____;

Drilling Firm _____;

Drilling Permit No. _____.

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Department of Water Resources
Southern Region

FEB 24 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 year(s).

8.

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
10S	16E	26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				X															

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

Magic View Subdivision was planned with idea that each lot would put in its own well, but this not possible for Lots 4, 5, 6 & 11 due to the rocky nature of the land there; wells would have to be too close to the septic systems. So a common well will be drilled on Lot 11. It could take 5 years or more for all lots to be sold and built upon, so the maximum development time is requested.

11. Map of proposed point of diversion and place of use attached? []

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

John D. McLaughlin
Applicant

Received by JS Date 8-6-03 Time 4:23pm Preliminary check by JS
Publication prepared by MB Date 8/27/03 Published in Times News
Publication approved MB Date 9/16/03

Receipt No. 5026029

Date: 8-6-03

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FEB 24 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

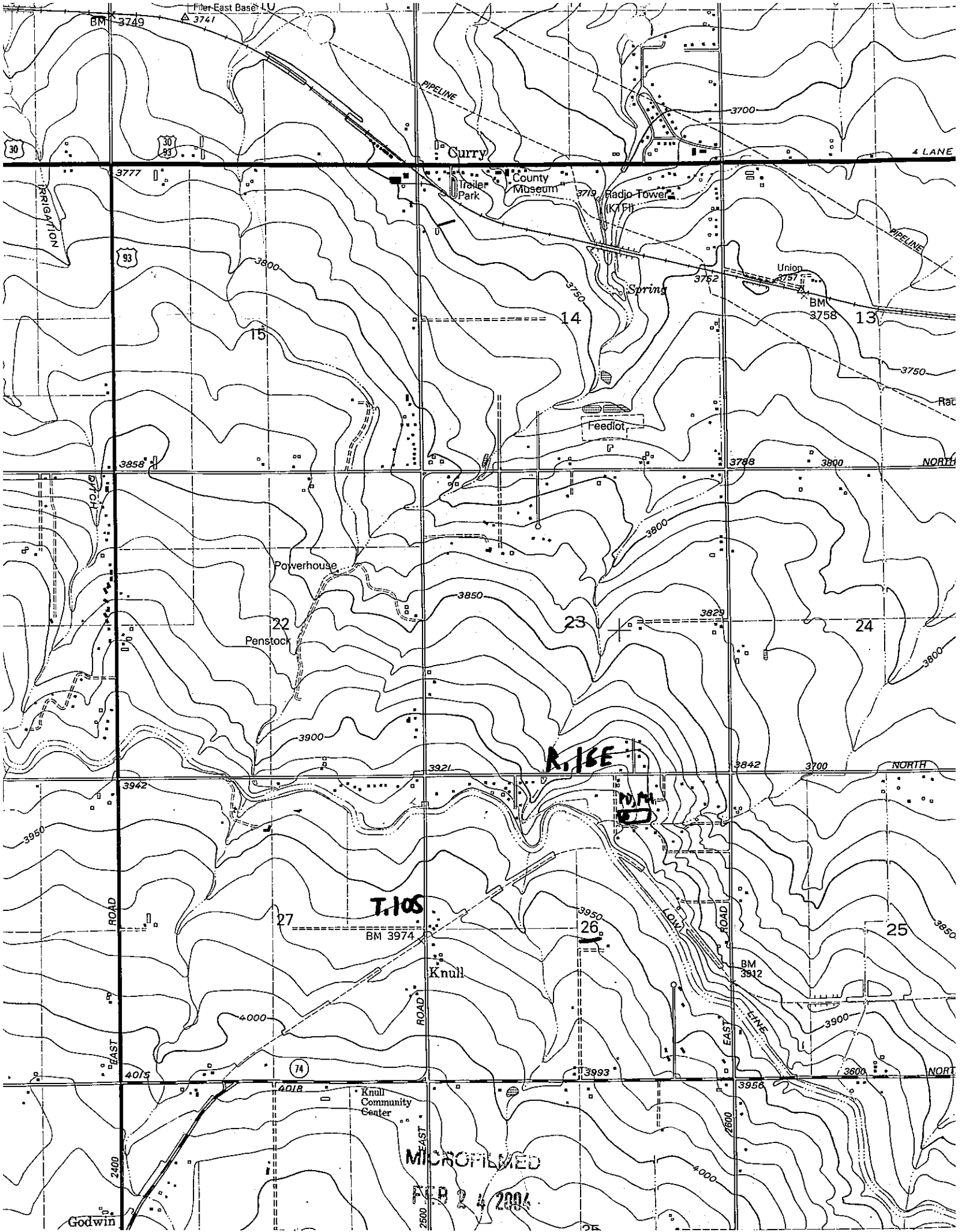
APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

Received by: _____

A handwritten signature, possibly "JP", is written over the line for the "Received by:" field.

MICROFILMED
FEB 24 2004



App 47-17099 POD, POU

○

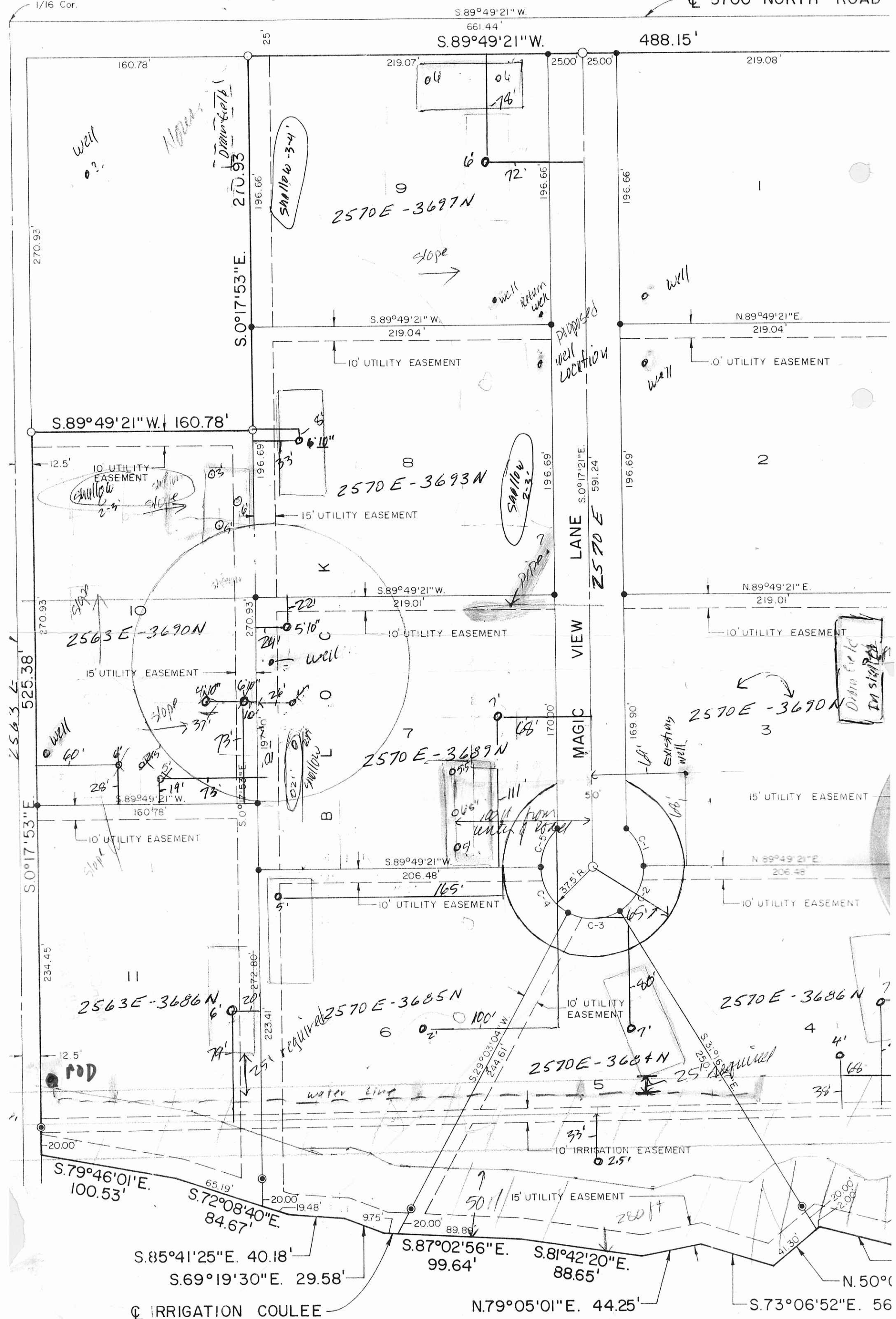
MICROFILMED
FEB 24 2004

KNULLS VISTA GRANDE SUBD.

NO

1/16 Cor.

3700 NORTH ROAD



**NOTICE OF APPLICATION
FOR WATER PERMIT**

The following application
has been filed to appropri-
ate the public waters of the
State of Idaho, Twin Falls
County:
47-17099

**JOHN D. & ROSEMARY
MC GONIGAL**

PO BOX 102

JEROME ID 83338

Point of Diversion:

SENWNE, S26, T10S,
R16E

Source: GROUND WATER

Use: 01/01 To 12/31

DOMESTIC (0.1 CFS)

Total Diversion: 0.1 CFS

Date Filed: 08/06/2003

Place of Use: NWNE, S26,
T10S, R16E

Remark: This application
covers the drilling of a
single well for 4 lots in
Magic View Subdivision.
The property is located 2.1
miles South and 0.7 miles
East of Curry. Any protest
against the proposed
application(s) must be filed
with the Department of
Water Resources, South-
ern Region, 1341 Fillmore
St., Suite 200; Twin Falls,
ID 83301 together with a
protest fee of \$25.00 on or
before September 22,
2003. The protestant must
also send a copy of the
protest to the applicant.

Karl J. Dreher, Director

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS } SS.

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SEP 12 2003

Department of Water Resources
Southern Region

45763

I, Ruby Auferheide being first duly sworn upon oath, depose
and say that I am principal clerk of the TIMES-NEWS, published daily at,
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping
attached, was published in the regular and entire issue of said newspaper, and not in any supplement
thereof, for two consecutive weeks,
commencing with the issue dated Sept 4, 20 03,
and ending with the issue dated Sept 11, 20 03.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily
except Monday, both of which newspapers prior to consolidation had been published under said names in said city and
county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at
which time said newspaper began daily publication under said name in said city and county continuously and unin-
terruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to
be issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO

COUNTY OF TWIN FALLS

On this 11th day of Sept in the year 2003, before me,

a Notary Public, personally appeared Ruby Auferheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

**STARTING
RIGHT
SIDE OF
FILE**



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

September 16, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JOHN D & ROSEMARY MC GONIGAL
PO BOX 102
JOROME ID 83338

PROOF ACKNOWLEDGMENT LETTER

Re: Permit No. 47-17099

Dear Permit Holders:

The department acknowledges receipt of the proof of beneficial use ("proof") form submitted for the above-referenced permit. The next step in the process of developing a water right is for the department to conduct the field examination to determine and confirm the use of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov

If you have questions about the field examination, please contact the **Southern** Regional Office of the department in Twin Falls at (208) 736-3033.

Sincerely,

Christine Roberts
Technical Records Specialist

Encl.

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 47-17099

Reviewed By: croberts

Date: September 15, 2008

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		803379
Appropriate fee submitted?	X		Drilling permit upgrade needed?		X
Receipt No.:		S026029, C087392	Well driller's report filed?	X	
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		08/07/2008
Date proof due	-	10/01/2008
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	08/06/2003
New priority date	=	08/06/2003

Deficiencies of Actions Items

Acknowledge Proof



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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AUG 07 2008

DEPARTMENT OF
WATER RESOURCES

August 6, 2008

Mrs. Deborah Gibson
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Subject: Proof of Beneficial Use- Water Right 47-17099

Dear Mrs. Gibson,

Attached is a signed proof of beneficial use form for domestic water right 47-17099 in the name of John D and Rosemary McGonigal. It is my understanding that submittal of the attached proof of beneficial use form and associated fee for domestic water right 47-17099 on this date meets the October 1st 2008 deadline for proof filing for the said water right as was outlined in your 7/31/08 letter to the applicant (attached). The appropriate filing fee for the proof of beneficial use form of \$50.00 US dollars has been included.

If you have any questions or need additional information please don't hesitate to call. Please copy our office on all correspondence regarding this proof of beneficial use application. Thanks for your time and have a great day.

Regards,

Zach Latham, M.S. Hydrologist

Attachments

Cc: John and Rosemary McGonigal

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

July 31, 2008

JOHN D MC GONIGAL
ROSEMARY MC GONIGAL
PO BOX 102
JEROME, ID 83338

PROOF DUE NOTICE

RE: PERMIT NO. 47-17099

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

Dear Permit Holder:

One condition of approval of the above referenced water right permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 2008. Enclosed are two forms: a Proof of Beneficial Use ("proof") form and a Request for Extension of Time ("extension") form. An acceptable proof form accompanied by the appropriate license examination fee, or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof, if the water right has been applied to its beneficial use.

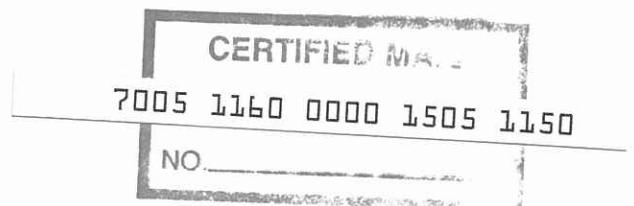
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been delayed by a federal agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a \$50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof **or** an acceptable extension request must be received by this department on or before the above proof due date. If neither is received, the department will send you a lapse notice and the permit will no longer be of any force nor effect.

Sincerely,

Deborah Gibson, Admin. Assistant I
Water Allocation Bureau

Enclosures





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

October 27, 2003

JOHN D MC GONIGAL
ROSEMARY MC GONIGAL
PO BOX 102
JEROME ID 83338

RE: Permit No. 47-17099

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.

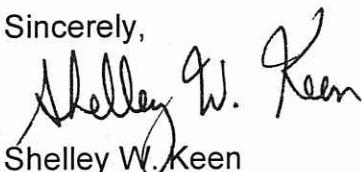
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened 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.

MICROFILMED
FEB 24 2004

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 208-327-7946.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized 'S' and 'K'.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

FEB 24 2004

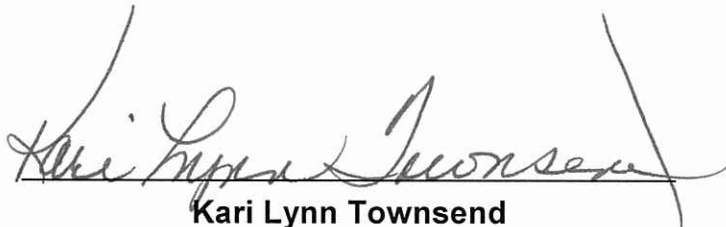
CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2003 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.

47-17099

JOHN D MC GONIGAL
ROSEMARY MC GONIGAL
PO BOX 102
JEROME ID 83338

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

Kari Lynn Townsend
Secretary

MICROFILMED

FEB 24 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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).

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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.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

August 29, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOHN D. & ROSEMARY MC GONIGAL
PO BOX 102
JEROME ID 83338

RE: Application for Permit No 47-17099

Dear Applicant(s):

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

A legal notice of the application has been prepared for publication in the Times News on 9/4/ & 9/11/03. Submittal of protests to the application will be allowed for a period ending ten days after the second publication. (September 22, 2003)

If an application is protested you will be sent a copy of the protest(s). 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 an application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an un-protested application is about eight weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Mary A. Baldwin
Administrative Assistant I

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FEB 24 2004

SCANNED

AUG 29 2003

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax: 736-3037

August 29, 2003

ATTN RUBY AUFDERHEIDE
LEGALS DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303-0548

Dear Ruby:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,



Mary Baldwin
Administrative Assistant

Enclosure

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FEB 24 2004

SCANNED

AUG 29 2003

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho, Twin Falls County:

47-17099

JOHN D. & ROSEMARY MC GONIGAL

PO BOX 102

JEROME ID 83338

Point of Diversion: SENWNE, S26, T10S, R16E

Source: GROUND WATER

Use: 01/01 To 12/31

DOMESTIC (0.1 CFS)

Total Diversion: 0.1 CFS

Date Filed: 08/06/2003

Place of Use: NWNE, S26, T10S, R16E

Remark: This application covers the drilling of a single well for 4 lots in Magic View Subdivision. The property is located 2.1 miles South and 0.7 miles East of Curry. Any protest against the proposed application(s) must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before September 22, 2003. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Times News on 9/4 & 9/11/03.

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FEB 24 2004

SCANNED

AUG 29 2003