

**STARTING  
LEFT  
SIDE OF  
FILE**



clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

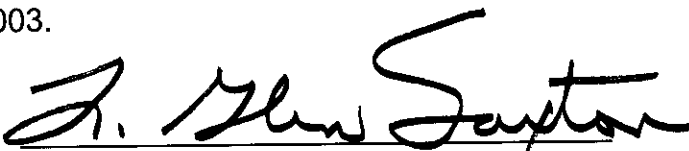
2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting sufficient information verifying the construction of the well during the development period.

3. The Department should reinstate the permit with the priority advanced to the date that proof was received.

### ORDER

IT IS HEREBY ORDERED, that Permit No. 27-7420 in the name of the City of Shelley is **REINSTATED** with the priority advanced to **June 17, 2003**.

Dated this 7<sup>th</sup> day of July, 2003.

  
L. GLEN SAXTON, P.E.  
Chief, Water Allocation Bureau

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 27-7420 Telephone No. (208) 357-3390
2. Name of Permit Holder(s): City of Shelley
3. Mailing Address: 101 S. Emerson Ave.  
City Shelley State ID Zip 83274
4. Source of Water: groundwater If **GROUNDWATER** (well), Date Drilled: mo. \_\_\_\_\_ / yr. \_\_\_\_\_  
Well Driller: Cushman Well Drilling Drilling Permit Number: \_\_\_\_\_
5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): \_\_\_\_\_ Stockwater (No. and type of stock): \_\_\_\_\_

Irrigation (No. of acres): \_\_\_\_\_ Other: Municipal

6. Total rate of diversion and/or volume for which proof is submitted: 0.02 cfs OR \_\_\_\_\_ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)  
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?  
Has the measuring device been installed?

Yes \_\_\_\_\_ or No ☒  
Yes \_\_\_\_\_ or No ☒

8. Fee Enclosed: \$ 0 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Sandy Gaydusek Telephone Number: (208) 357-3390  
Address: 101 S. Emerson Ave. Shelley, ID.

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. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Sandy Gaydusek City Clerk Date: 6-4-03  
(include your title, if on behalf of company or organization)

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SEP 03 2003

Form 204  
4/86

RECEIVED  
MAY 28 1987

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 16 1987

Office Use Only  
\$15 Fee Received by 49  
Date 7-28-87  
Receipt # 42476

REQUEST FOR EXTENSION OF TIME

Department of Water Resources  
To provide additional time in which to submit proof  
of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 27-7420

Name(s) of Permit Holder: City of Shelley

Post Office Address: 214 Emerson

Shelley, Idaho

Telephone No. \_\_\_\_\_

Date Proof Is Due: July 1, 1985

Describe what work has been completed toward the development of this water right:  
(This must be filled out! If no work has been completed, show "none".)

None

Costing \$ \_\_\_\_\_

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

The City of Shelley has been withheld from proceeding with

beneficial use of the water by the Federal Energy Regulatory

Commission who have not granted the City a FERC license to

(see  
attached)

Permit holder(s) request an extension to July 1, 19 91.  
(1 yr. minimum)

Eugene Christman  
(Signature)\*

FEE: \$15.00

\*IF OTHER THAN PERMIT HOLDER,  
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to July 1, 1991.

Signed this 29<sup>th</sup> day of July, 19 87.

A. M. Saxton  
Chief, Operations Bureau

construct a hydroplant along the Snake River adjacent to Shelley.

The City of Shelley began pursuit of the hydro project in 1977. We contacted the Bureau of Reclamation for assistance in evaluating the best location along the Snake River adjacent to Shelley. The BOR provided a report and Shelley City began preparation of an application for FERC. The City of Idaho Falls, Idaho filed an application just before Shelley and were granted the preliminary permit.

Idaho Falls has since filed for a license on the site selected by Shelley. We protested the project based on several irregularities in the original filing procedure followed by Idaho Falls contractors. FERC has granted until July 18, 1987 for Shelley to file a competing application which we are doing.

Following the filing, FERC will have to choose which to allow. It is even possible that Idaho Falls and Shelley may participate together in the project.

Then the project will have to be designed and constructed. For that reason, Shelley is asking for a 4-year extension to provide adequate time for the hearing, decision by FERC, design and start of construction. That will require a minimum of four years to accomplish.

The City of Shelley has already spent over \$50,000 on the work to date getting the data from BOR, filing applications, doing the necessary legal work. We will be spending an additional \$30,000 to file competing application with FERC.

Hopefully, it is obvious that the City of Shelley has done the following:

1. Expended substantial funds trying to develop the resource.
2. Pursued development of the project diligently.
3. Shown a determination to make the project work, if possible.
4. Been held up by a federal agency in developing the water.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

Ident. No. 27-7420

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant City of Shelley Phone 357-3390  
Post office address 214 Emerson, Shelley, Idaho 83274
2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_
3. Location of point of diversion is \_\_\_\_\_  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$ , Govt. Lot 2  
Sec. 31 Township 1 N Range 37 E B.M. Bingham County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 0.02 for Municipal purposes from 1-1 to 12-31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
0.02 As per tele-con with Carl Hall 5-8-86 HWJ  
5. Total quantity to be appropriated is (a) 0.04 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc. well and pump at the wastewater treatment plant to be utilized for plant activities
  - b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet; period of year when water will be diverted to storage: \_\_\_\_\_ to \_\_\_\_\_ inclusive.
  - c. Proposed well diameter is 6 inches; proposed depth of well is 80 feet.
  - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
  - b. Stockwatering; list number and kind of livestock. \_\_\_\_\_
  - c. Municipal; show name of municipality. City of Shelley
  - d. Domestic; show number of households. \_\_\_\_\_
  - e. Other; describe fully. \_\_\_\_\_

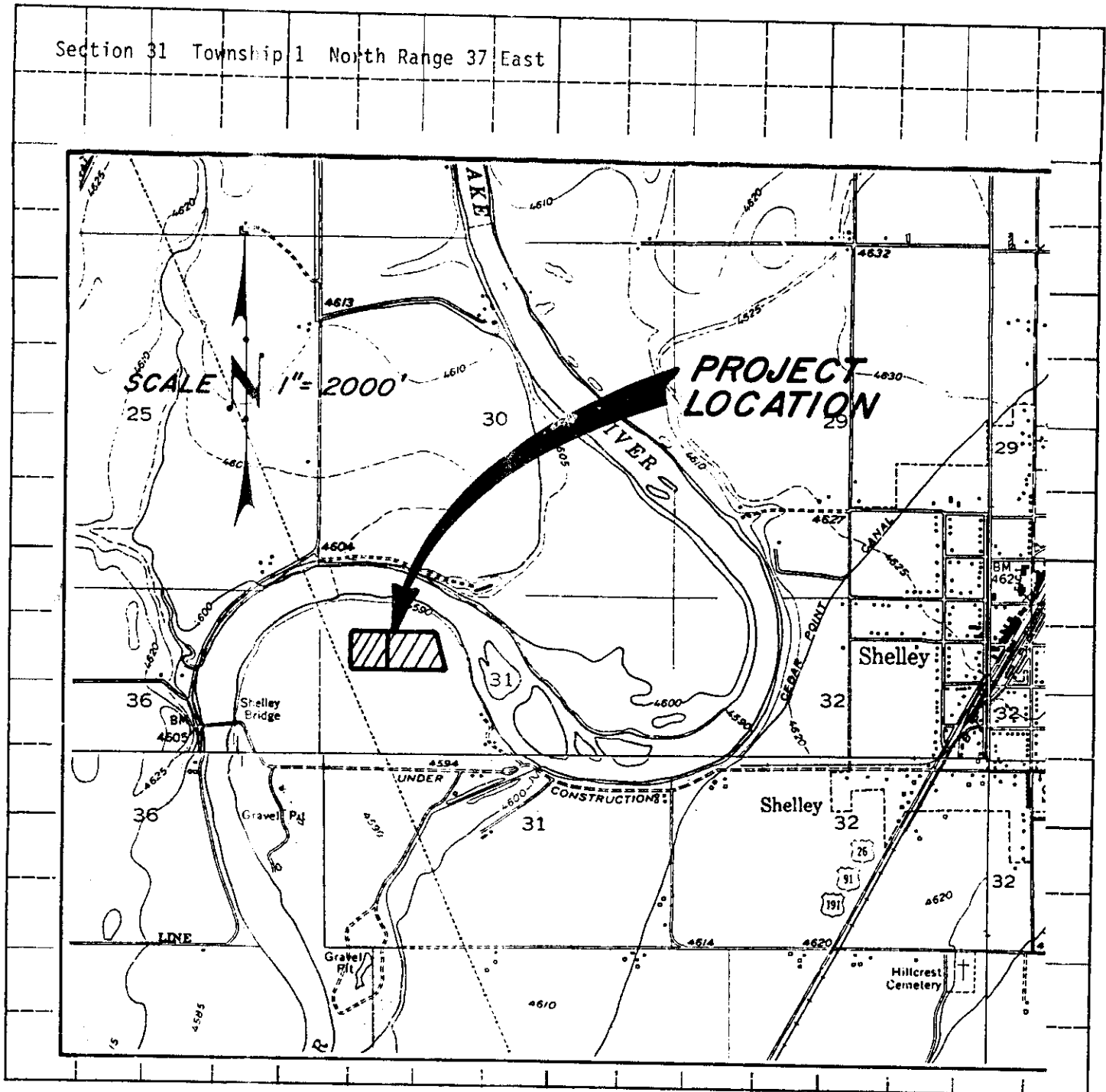
9. Description of place of use:
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
  - b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 1N  | 37 E  | 31   |     |     |     |     | M   |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     | L-2 |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_
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. \_\_\_\_\_
12. Remarks: \_\_\_\_\_

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

*Eugene Christensen*  
(Applicant)  
Mayor Eugene Christensen

Proposed Priority 5/8/8  
Received by (TW) Date 5-08-86 Time 12:20P Preliminary check by 11-2  
Fee \$ 30.00 Received by MJD # 39631 Date 5-14-86  
Publication prepared by MJD Date 5-14-86 Published in Blatt News 5/22, 5/23/86  
Publication approved QW Date 6-03-86

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of  
Idaho No. 27-7420 , and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before  
July 1 , 19 87
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other: Use of water under this permit shall be non-consumptive.  
Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River.

Witness my hand this 16<sup>th</sup> day of June, 1986.

J. Glen Saxton  
Chief, Operations Bureau

**STARTING  
RIGHT  
SIDE OF  
FILE**



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE  
GOVERNOR

July 7, 2003

KARL J. DREHER  
DIRECTOR

CITY OF SHELLEY  
101 S EMERSON AVE  
SHELLEY ID 83274

**PROOF ACKNOWLEDGEMENT LETTER**

**RE: PERMIT NO. 27-7420**

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and examination fee submitted for the above referenced permit. Enclosed is an order reinstating the permit advancing the priority since proof was submitted after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. The regional office staff will contact you when that examination is to be conducted. At the time the examination is conducted the system must be in operation, otherwise this permit will be of no force nor effect.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights 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.

If you have questions concerning the field examination, please contact the **Eastern** Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah J. Gibson  
Administrative Assistant  
Water Allocation Bureau

Enclosure  
c: IDWR - Region (w/encl.)

**MICROFILMED**

**SEP 03 2003**

## ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 27-7420

Reviewed By: dgibson

Date: July 2, 2003

|                                   | <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.:             |            |           |
| Appropriate fee submitted?        | X          |           | Drilling permit upgrade needed?  |            |           |
| Receipt No.:                      |            |           | 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 |   | 06/17/2003 |
| Date proof due      | - | 07/01/1991 |
| Lapse notice sent   | - | 07/05/1991 |
| No. of days late    | = | 4365       |
| Holiday allowance   | + |            |
| Priority date       | + |            |
| New priority date   | = | 06/17/2003 |

### Deficiencies of Actions Items

Acknowledge proof. Reinstate with priority date advanced to June 17, 2003. Update address. Update database with dates and water right information. Status has been changed to Active. .



# City of Shelley

101 South Emerson Street Shelley, Idaho 83274 (208) 357-3390

MAYOR  
Eric (Swede) Christensen

COUNCIL  
Bruce Crockett  
Chad Landon  
Lorin Croft  
Steve Cederberg

OFFICERS  
Sandy Gaydusek  
City Clerk/Treasurer

Alan H. Dial  
Police Chief

Rick Anderson  
Public Works Dir.

Dawn Lloyd  
Recreation Director

Forsgren Engineering  
City Engineer

Scott Hansen  
City Attorney

June 9, 2003

Dept. of Water Resources  
Attn: Debbie Gibson  
1301 N. Orchard  
Boise, ID 83706

RECEIVED

JUN 17 2003

Department of Water Resources

RE: Permit No. 27-7420

Dear Debbie,

Enclosed is a proof of beneficial use form for our permit no. 27-7420 was lapsed sometime in 1991. I was working with Cindy Bird at the Department of Water Resources in Soda Springs regarding another permit when it was discovered that this particular permit had lapsed. I have no explanation of why this permit was allowed to lapse because I did not work for the City of Shelley at that time.

I researched this matter and found that the well tied to this permit was dug in 1986 during a major sewer lagoon upgrade of the city's. The construction of the lagoon was done by Grover Construction and they sub-contracted Cushman Well Drilling to drill the well. Copies of the work orders and payment are enclosed for your reference. I have also enclosed an affidavit from Frank Butler, our Public Works Director at that time, verifying that the well was dug and working. I hope this will be enough information to re-instate the permit. Please advise me if you need more information or call me if you have any questions at (208) 357-3390.

Sincerely,

Sandy Gaydusek  
Clerk/Treasurer

enc

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SEP 03 2003

AFFIDAVIT

I, Frank Butler hereby verify that the following statement is true and factual. The City of Shelley completed a major sewer lagoon upgrade in 1986. The job was contracted to Grover's Construction. Part of the contract included a well and pump being installed on the lagoon site to have water for a non-consumptive use; mainly to clean the UV treatment system. I do not re-collect the exact date that the well was installed, however it was completed by November 1986. The line was connected and at that time the well served the purpose for what it was intended.

DATED this 6 day of June 2003.

Frank Butler

SUBSCRIBED AND SWORN to before me this 6<sup>th</sup> day of June, 2003.



Randy Gaydos  
Notary Public for Idaho  
Residing at Shelley, Idaho  
My commission expires: 12/20/06

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SEP 03 2003

8614000

SHELLEY WASTEWATER TREATMENT PLANT UPGRADE  
WASTEWATER TREATMENT PLANT UPGRADEENGINEER: FORSGREN-PERKINS ENG  
350 N. 200 E.  
REXBURG, IDAHOCONTRACTOR: GROVER CONSTRUCTION  
671 E. 1275 N.  
SHELLEY, ID. 83274

DATE: 11/12/86

## -- PAYMENT SUMMARY FOR WORK COMPLETED TO DATE --

| ITEM NO. | ITEM DESCRIPTION        | CONTRACT QUANTITY | UNIT | UNIT PRICE | ---- THIS PERIOD ----<br>QUANTITY AMOUNT | ----- TO DATE -----<br>QUANTITY AMOUNT |
|----------|-------------------------|-------------------|------|------------|------------------------------------------|----------------------------------------|
| 1        | 15" RCP PIPE            | 1,950.0           | LF   | 15.00      | 160.0 2,400.00                           | 1,950.0 29,250.00                      |
| 2        | EXC. & BKFL. CLASS A    | 1,950.0           | LF   | 7.50       | 160.0 1,200.00                           | 1,950.0 14,625.00                      |
| 3        | STD MANHOLE 0-8 FEET    | 5.0               | EA   | 1,500.00   | 2.0 3,000.00                             | 6.0 9,000.00                           |
| 4        | MANHOLE EXTRA DEPTH     | 2.0               | LF   | 100.00     | 0.0 0.00                                 | 0.0 0.00                               |
| 5        | GENERAL SITE WORK       | 1.0               | LS   | 9,600.00   | 0.0 0.00                                 | 0.9 8,640.00                           |
| 6        | PIT RUN EMBANKMENT MAT. | 22,500.0          | CY   | 3.00       | 0.0 0.00                                 | 23,519.0 70,557.00                     |
| 7        | RIP-RAP                 | 4,400.0           | SY   | 1.00       | 0.0 0.00                                 | 5,012.0 5,012.00                       |
| 8        | LAGOON DIKE SEAL        | 6,200.0           | SY   | 2.90       | 0.0 0.00                                 | 6,200.0 17,980.00                      |
| 9        | TYPE A TRANSFER STRUCT. | 1.0               | EA   | 8,600.00   | 0.0 0.00                                 | 0.9 7,740.00                           |
| 10       | TYPE B TRANSFER STRUCT. | 3.0               | EA   | 10,500.00  | 0.2 2,100.00                             | 2.7 28,350.00                          |
| 11       | INLET STR. LAGOON A     | 1.0               | LS   | 4,600.00   | 0.1 460.00                               | 0.9 4,140.00                           |
| 12       | INLET STR. LAGOON B     | 1.0               | LS   | 4,600.00   | 0.0 0.00                                 | 0.9 4,140.00                           |
| 13       | 6' CHAIN LINK FENCE     | 2,600.0           | LF   | 9.00       | 2,516.0 22,644.00                        | 2,516.0 22,644.00                      |
| 14       | INFLUENT METERING STA.  | 1.0               | LS   | 9,000.00   | 0.0 0.00                                 | 0.0 0.00                               |
| 15       | EFFLUENT FLOW METER     | 1.0               | LS   | 8,000.00   | 0.9 7,200.00                             | 0.9 7,200.00                           |
| 16       | 10 HP FLOATING AERATORS | 4.0               | EA   | 12,000.00  | 0.0 0.00                                 | 3.0 36,000.00                          |
| 17       | 5 HP FLOATING AERATORS  | 2.0               | EA   | 8,000.00   | 0.0 0.00                                 | 1.0 8,000.00                           |
| 18       | U.V. DISINFECTION UNIT  | 1.0               | LS   | 36,000.00  | 0.7 25,200.00                            | 0.7 25,200.00                          |
| 19       | DISINFECTION BUILDING   | 1.0               | LS   | 30,000.00  | 0.1 3,000.00                             | 0.9 27,000.00                          |
| 20       | DISINFECTION BLDG MECH. | 1.0               | LS   | 4,200.00   | 0.2 840.00                               | 0.9 3,780.00                           |
| 21       | DISINFECTION BLDG ELEC. | 1.0               | LS   | 40,000.00  | 0.3 12,000.00                            | 0.6 24,000.00                          |
| 22       | SPLASH PADS             | 2.0               | EA   | 500.00     | 2.0 1,000.00                             | 2.0 1,000.00                           |
| 23       | 6" WELL, PUMP, ETC      | 1.0               | LS   | 2,200.00   | 1.0 2,200.00                             | 1.0 2,200.00                           |
| 24       | 6" WELL EXTENSION       | 20.0              | LF   | 14.00      | 0.0 0.00                                 | 0.0 0.00                               |
| 25       | TOOLS & LAB EQUIPMENT   | 1.0               | LS   | 8,300.00   | 0.0 0.00                                 | 0.0 0.00                               |

TOTAL WASTEWATER TREATMENT PLANT UPGRADE

83,244.00

356,458.00

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SEP 03 2003

CONTRACTOR PAY ESTIMATE NO. 04 PAGE 01

8614000

SHELLEY WASTEWATER TREATMENT PLANT UPGRADE

ENGINEER: FORSGREN-PERKINS ENG  
350 N. 200 E.  
REXBURG, IDAHO

CONTRACTOR: GROVER CONSTRUCTION  
671 E. 1275 N.  
SHELLEY, ID. 83274

DATE: 11/12/86

-- CONTRACTOR PAY ESTIMATE SUMMARY --

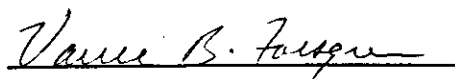
\*\*\*\*\*

|                                             | THIS PERIOD | TO DATE    |
|---------------------------------------------|-------------|------------|
| WORK COMPLETED                              |             |            |
| WASTEWATER TREATMENT PLANT UPGRADE          | 83,244.00   | 356,458.00 |
| MATERIALS ON SITE                           |             |            |
| WASTEWATER TREATMENT PLANT UPGRADE          | -3,451.95   | 4,309.05   |
|                                             | -----       | -----      |
| ADJUSTED TOTAL                              | 79,792.05   | 360,767.05 |
| LESS RETAINAGE - 10% PREVIOUS, 5% CURRENT   | -10,059.14  | 18,038.35  |
|                                             | -----       | -----      |
| TOTAL AMOUNT DUE FOR WORK COMPLETED TO DATE | 89,851.19   | 342,728.69 |
| LESS PREVIOUS PAYMENTS                      | 0.00        | 252,877.50 |
|                                             | -----       | -----      |
| TOTAL AMOUNT DUE                            | 89,851.19   | 89,851.19  |

\*\*\*\*\*

-- SUMMARY OF PREVIOUS PAYMENTS --

| ESTIMATE NO. | DATE     | AMOUNT     | TOTAL      |
|--------------|----------|------------|------------|
| 1            | 08/05/86 | 69,333.30  | 69,333.30  |
| 2            | 09/09/86 | 55,705.50  | 125,038.80 |
| 3            | 10/07/86 | 127,838.70 | 252,877.50 |

  
APPROVED:  
ENGINEER: FORSGREN-PERKINS ENG

  
APPROVED:  
CONTRACTOR: GROVER CONSTRUCTION

MICROFILMED  
SEP 03 2003



I certify that file No. 27-7420

has been reviewed and is ready to be MICROFILMED  
and DESTROYED.

Sam Skeggs  
Signature

9-27-91  
Date

The attached proof report is the water right as it appeared in the database prior to the final status and deletion from the database.

WR5808NP  
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT

09/27/91 06:13:05  
Page 1

Water Right Number - 27-07420      Prefix Translation: WATER RIGHT      Old (D) Number -

+ - - - - Last Name - - - - +      + - First Name - - +      + - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
CITY OF SHELLEY

1 - 214 EMERSON  
2 -  
3 -  
City- SHELLEY      State- ID Zip- 832740000  
Phone -

+ - - Priority Date - - +      + - - Region - - - +      + - - Stage - - - +      + - - Status - - - +  
05/08/1986      15 EASTERN      P - PERMIT

+ - - - - Source - - - - - +      + - - - - Tributary - - - - - +

GROUNDWATER

+ - - - - Point of Diversion - - - - - +  
TwN    Rng    Sec    Tract    Lot    RFlg    County      Stream Index (Blank if no Index Code)

01N    37E    31    NW NW    2      (11) BINGHAM

+ - - - - Water Use - - - - - +  
Code      Description      Period From    Period To      Diversion Rate    Diversion Volume

40 - MUNICIPAL      01/01      12/31      0.020

+ - Total Div. Rate - +      + - Total Div. Volume - +      + - Total Div. Capacity - +  
0.020

+ - - - - Place of Use - - - - - +  
TwN    Rng    Sec    Tract    Lot    Acres    Code      Description      County

01N    37E    31    NW NW    2      40 MUNICIPAL      (11) BINGHAM

+ - - Diversion Means - WELL & PUMP.

+ - - Non-Irrigation Use - M/WASTEWATER TREATMENT PLANT.

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +  
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +  
005 - Use of water under this permit is subject to control by the  
- watermaster of State Water District No. 01.  
027 - Use of water under this permit shall be non-consumptive.

+ - - - - Decree Plaintiff - - - +      + - - - - Decree Defendant - - - +      + - Decree Date - +  
00/00/0000

WR5808NP  
(00-26)

IDANO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT

09/27/91 06:13:05  
Page 2

Water right number - 27-07420

Prefix Translation: WATER RIGHT

+ ..... -Comments- ..... +  
No Comments Found

+ - Audit Fields - 08/06/87 05/22/88 CONVERT

+ ..... - Water Rights Dates and Flags Area ..... +

|                   |              |                  |              |                  |      |
|-------------------|--------------|------------------|--------------|------------------|------|
| Proof Due Date    | - 07/01/1991 | Field Exam Made  | - 00/00/0000 | Field Exam Fee   | -    |
| Approved/Denied   | - 06/16/1986 | Protested Date   | - 00/00/0000 | Swan Falls       | - 1  |
| Proof Made Date   | - 00/00/0000 | Hearing Date     | - 00/00/0000 | Temporary Right  | - P  |
| Exam to S.O. Date | - 00/00/0000 | Verified Date    | - 07/15/1986 | DLE/Carey Act    | -    |
| Order Show Cause  | - 00/00/0000 | Receipt Number   | -            | Water District   | - 01 |
| Licensed Date     | - 00/00/0000 | Appl Received    | - 00/00/0000 | Transfer/Amended | -    |
| Decree Date       | - 00/00/0000 | Presumption Flag | -            |                  |      |

July 5, 1991

CITY OF SHELLEY  
214 EMERSON  
SHELLEY, ID 832740000

LAPSE NOTICE

RE: PERMIT NO. 27-07420

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated April 30, 1991. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON  
Chief, Water Allocation Bureau

LGS:rf

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 7-8-91  
a copy/an original of this document was  
deposited in the United States mail,  
postage prepaid addressed to the  
individual(s) named above.

CITY OF SHELLEY  
214 EMERSON  
SHELLEY, ID 832740000

138393  
April 30, 1991

RE: PERMIT NO. 27-07420 <sup>PROOF DUE NOTICE</sup>

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before July 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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 prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck  
Secretary/Records Manager

Enclosures

August 4, 1987

City of Shelley  
214 Emerson  
Shelley, ID 83274

Gentlemen:

Re: Permit No. 27-7420

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to July 1, 1991.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

RITA I. FLECK  
Secretary/Records Manager

Enclosure

## STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 27-7420Reviewed by NYDate 7-28-1987

## BASIC INFORMATION

Y Date stamp received - May 28, 1987  
Y Extension received timely  
 (not prior to 6 month before proof due date or after reinstatement period)  
Y Fee received and receipted  
Y Name and signature same as permit  
N Address change (indicate on coding sheet)

## BASIS FOR EXTENSION REQUEST

YES Has adequate work been completed to demonstrate due diligence?  
YES Has the cost incurred been adequate to demonstrate an intent to complete the project?  
N/A Has the permit been involved in litigation?  
 a. Swan Falls \_\_\_\_\_ Dismissed from Swan Falls \_\_\_\_\_  
 Other \_\_\_\_\_ Identify \_\_\_\_\_  
 b. Is supporting documentation needed to complete the file? \_\_\_\_\_  
 Requested \_\_\_\_\_  
 c. Calculate the period of delay

Date litigation completed \_\_\_\_\_

Date litigation began \_\_\_\_\_

Total period of delay = \_\_\_\_\_

Present proof due date + \_\_\_\_\_

NEW PROOF DUE DATE = \_\_\_\_\_

Y Is delay by a government agency?Is supporting documentation needed to complete the file? \_\_\_\_\_  
Requested? \_\_\_\_\_

## ACTION TAKEN

1. *Should consider ext. received as of 5-28-1987. I returned ext. to permit for relocation of signature.*  
 2. *Recommend approval based on due diligence for 4 yrs.*

Special conditions or remarks:

N/A Reinstate Date extension received \_\_\_\_\_ = \_\_\_\_\_  
 Proof due date \_\_\_\_\_ = \_\_\_\_\_  
 No. of days late \_\_\_\_\_ = \_\_\_\_\_  
 Priority date \_\_\_\_\_ = + \_\_\_\_\_  
 ADJUSTED PRIORITY DATE \_\_\_\_\_ = \_\_\_\_\_

✓ Prepare coding sheet  
✓ Change rolodex cardf



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS  
Governor

A. KENNETH DUNN  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

July 9, 1987

Eugene Christensen, Mayor  
City of Shelley  
214 Emerson  
Shelley, ID 83274

Dear Mr. Christensen:

Re: Permit No. 27-7420

Returned is the Request for Extension of Time form submitted to this office on May 28, 1987. It is returned for signature at the red "X".

Please return the extension as soon as possible so further action can be taken on the permit.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

  
RITA I. FLECK  
Secretary/Records Manager

Enclosure

**CITY of SHELLEY**  
214 South Emerson Street  
SHELLEY, IDAHO 83274



**CERTIFIED**

P 188 889 641

**MAIL**

**RETURN RECEIPT  
REQUESTED**



**USA 22**



State of Idaho  
Department of Water Resources  
State Office  
450 W State Street  
Boise, ID 83720

July 9, 1987

Eugene Christensen, Mayor  
City of Shelley  
214 Emerson  
Shelley, ID 83274

Dear Mr. Christensen:

Re: Permit No. 27-7420

Returned is the Request for Extension of Time form submitted to this office on May 28, 1987. It is returned for signature at the red "X".

Please return the extension as soon as possible so further action can be taken on the permit.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

RITA I. FLECK  
Secretary/Records Manager

Enclosure



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS  
Governor

A. KENNETH DUNN  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

EXTENSION OF TIME

June 10, 1987

City of Shelley  
214 South Emerson Street  
Shelley, ID 83274

PERMIT NO. 27-7420

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 42476.

Roberta Garrett  
Records Supervisor

Enclosure



## City of Shelley

214 South Emerson Street • Shelley, Idaho 83274 • (208) 357-3390

May 26, 1987

**RECEIVED**  
MAY 28 1987

Department of Water Resources

**OFFICERS**

L. Eugene Christensen  
Mayor

Carl A. Hall  
City Clerk

Ida May Hall  
Treasurer

W. Joe Anderson  
City Attorney

Leon White  
Fire Chief

Frank Butler  
Public Works

Forsgren-Perkins  
City Engineer

James D. Miller  
Police Chief

State of Idaho

Department of Water Resources

Statehouse

Boise, ID 83720

**COUNCIL**

Phil Worton

Arthur Martin

Ronald M. Christensen

Sharlene Eaton

RE: Filing for time extension on water right

Dear Sirs:

Enclosed is the filing for an extension of time to prove up the water right application for the City of Shelley. Please find a check - \$15.00, for the filing fee.

Thank you.

Sincerely,

*Carl A. Hall*

Mayor Eugene Christensen

by Carl A. Hall, City Clerk

RECEIVED  
MAY 28 1987

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

RECEIVED  
JUL 16 1987

Department of Water Resources

Department of Water Resources

Project No. 5090-005  
Shelley  
City of Idaho Falls

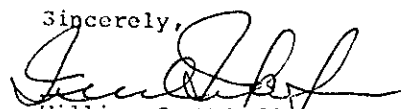
MAR 24 1987

Eugene Christensen, Mayor  
James L. Keller, City Engineer  
Blair Grover, Acting City Attorney  
City of Shelley  
214 South Emerson Street  
Shelley, ID 83274

Dear Sirs:

Thank you for your letter of March 2, 1987, addressed to Secretary Kenneth F. Plumb concerning the City of Idaho Falls, Idaho's application for license for the Shelley Hydroelectric Project No. 5090. Your letter is being treated as a notice of intent to submit a competing development application. Therefore, as stated in paragraph A3 of the notice issued for P-5090, the City of Shelley has until 120 days after the March 20, 1987, comment date, or no later than July 18, 1987, to submit its application. Please contact Mr. James Hunter at (202) 376-9814 if you have any questions concerning this correspondence.

Sincerely,

  
William C. Wakefield II  
Acting Director, Division  
of Project Management

cc: Mr. G. S. Harrison  
City of Idaho Falls  
140 South Capitol Avenue  
P.O. Box 220  
Idaho Falls, ID 83401

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440  
CERTIFIED MAIL  
APRIL 30, 1987

CITY OF SHELLEY  
214 EMERSON  
SHELLEY, ID 83274

138428

PROOF DUE NOTICE

RE: PERMIT NO. 27-7420

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JULY 1, 1987. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH WHEN ACCOMPANIED BY THE LICENSURE EXAMINATION FEE OR A COMPLETED FIELD EXAMINATION REPORT PREPARED BY A CERTIFIED WATER RIGHT EXAMINER MAY BE USED TO SUBMIT THE REQUIRED PROOF.

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 PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER AN ACCEPTABLE PROOF OF BENEFICIAL USE SUBMITTAL OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK  
SECRETARY/RECORDS MANAGER

ENCLOSURES

STATE OF IOWA  
DEPARTMENT OF WATER RESOURCES

STATEHOUSE  
ROUSE, IOWA 52240  
(208) 314-4430  
JUNE 17, 1986

CITY OF SHELLEY  
214 EMERSON  
SHELLEY, IA 53274

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 27-7420

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

PLEASE NOTE THAT ONE OF THE CONDITIONS OF APPROVAL IS THAT THE DIVERSION OF WATER UNDER THIS PERMIT IS SUBJECT TO THE CONTROL OF A STATE WATERMASTER. THE REASON FOR THIS IS THAT SOME HYDROLOGIC STUDIES OF RIVERS IN THE STATE INDICATE THAT WELLS CONSTRUCTED IN THE SAND AND GRAVEL AQUIFERS OF THE RIVER AREAS MAY INTERCEPT WATER THAT OTHERWISE WOULD HAVE ENTERED THE RIVER. HOWEVER, THE EXTENT OF THE ALLUVIAL MATERIAL THICKNESS IS NOT KNOWN NOR IS THE PRECISE DEGREE OF INTERFERENCE OF WELLS WITH SURFACE WATER FLOWS. STUDIES DO INDICATE THAT AS MUCH AS 50% OF THE WATER DIVERTED FROM A WELL LOCATED ONE MILE FROM THE RIVER WOULD HAVE REACHED THE RIVER IF IMPERMEABLE LAYERS OF CLAY OR HARD ROCK DO NOT SEPARATE THE RIVER FROM THE AQUIFER FROM WHICH THE WELL IS PRODUCING.

THE INFORMATION AVAILABLE TO US AT THIS TIME DOES NOT WARRANT OFFERING TO ISSUE YOU A PERMIT BUT DOES MERIT CAUTIONING YOU THAT ANY PERMIT ISSUED BY THE DEPARTMENT CANNOT DEPRIVE WATER USERS, WITH EARLIER RIGHTS, OF THEIR WATER SUPPLY.

THE REASON FOR CONDITIONING THE PERMIT AND EXPLAINING THE POTENTIAL INTERFERENCE PROBLEM IS TO MAKE YOU AWARE THAT FUTURE TESTS MAY DEFINITELY SHOW THAT DIVERSION OF WATER FROM YOUR WELL SHOULD BE ADMINISTERED TOGETHER WITH THE OTHER SURFACE WATER PRIORITIES OF THE RIVER AND ITS TRIBUTARIES. IF THIS WERE TO OCCUR, IT WOULD ESSENTIALLY MEAN THAT THERE WOULD NOT BE WATER AVAILABLE FOR A DIVERSION FROM YOUR WELL SINCE THE SURFACE WATER SYSTEM IS FULLY APPROPRIATED. BY LOCATING YOUR WELL AS FAR FROM THE RIVER AS POSSIBLE AND BY CASING OUT DEEPER WATER PRODUCING ZONES AS THE WELL IS CONSTRUCTED, YOU MAY BE ABLE TO REDUCE THE AMOUNT OF INTERFERENCE WITH THE RIVER.

RE: PERMIT NO. 27-20

2

WE HAVE ENCLOSED A FORM ENTITLED "INSTRUCTIONS FOR PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT. ALSO ENCLOSED FOR YOUR CONVENIENCE IS THE STATEMENT OF BENEFICIAL USE FORM THAT MUST BE SUBMITTED WHEN YOUR PROJECT IS COMPLETED.

SINCERELY,

DAVID P. TUTTLE, JR., P.E.  
SUPERVISOR, WATER ALLOCATION SECTION

ORT: SC  
ENCLOSURES



INTER-DEPARTMENT MEMO — 1

FROM Kay Walker *KW*

DATE *6/12/86*

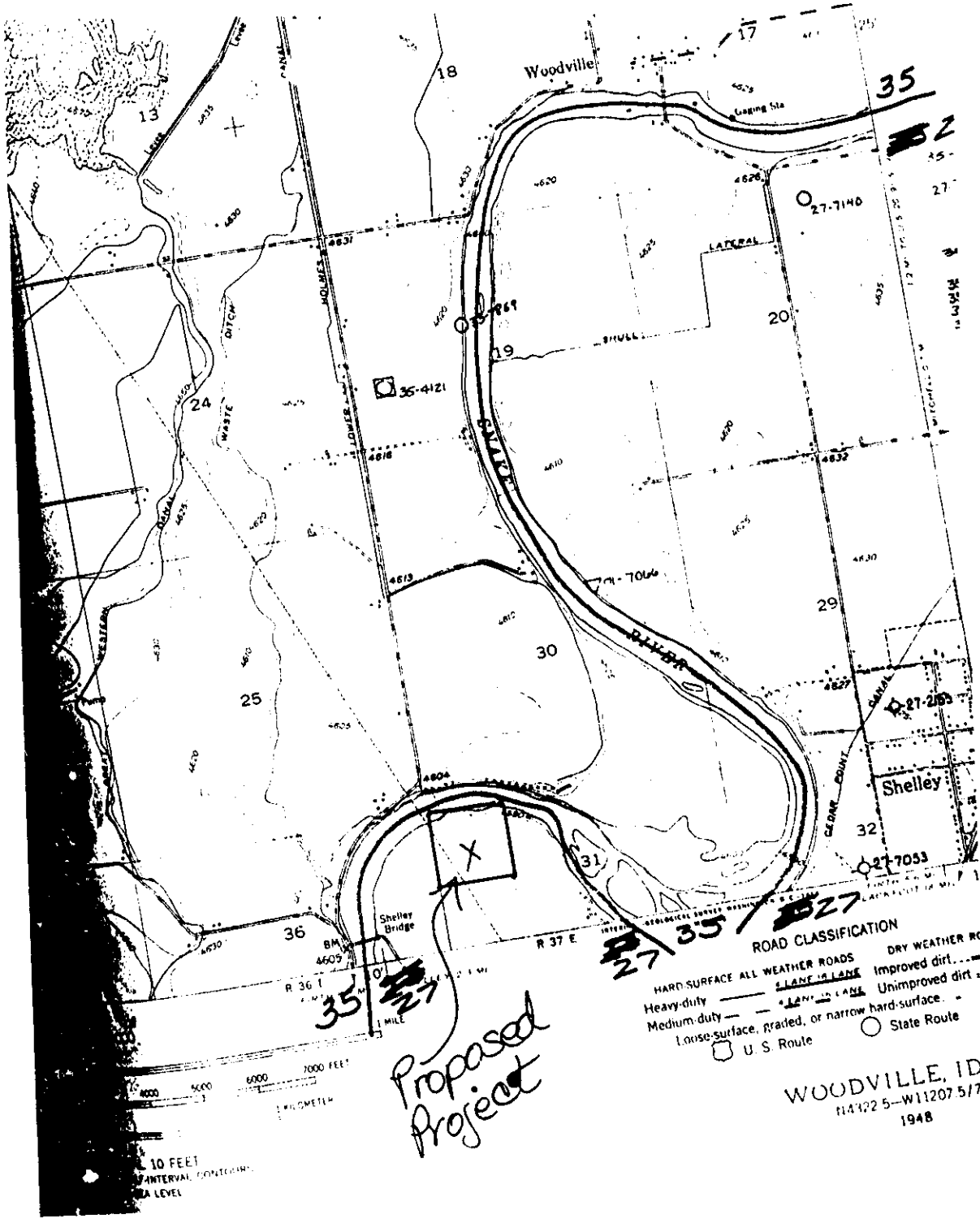
TO Application for Permit No. *27-7420*

SUBJECT Watermaster Control Recommendation

Pursuant to review of this application, I recommend that it be subject to watermaster control because of the close proximity of the well to the river and the shallowness of the well itself. *(80')*

---

SIGNATURE



Proposed Project

ROAD CLASSIFICATION

- HARD SURFACE ALL WEATHER ROADS
- Heavy-duty ——— SLANE IN LANE Improved dirt...
- Medium-duty ——— SLANE IN LANE Unimproved dirt...
- Loose surface, graded, or narrow hard-surface. -
- U. S. Route
- State Route

WOODVILLE, ID  
H4322 5-W11207 5/7  
1948

State of Idaho  
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: HWS

APPLICATION NUMBER: City of Shelley

CHECK:

- ☒ Source.  
☒ Point of diversion.  
☒ County.  
☒ Quantity of water and period of use.  
☒ Description of diverting works.  
☒ Time required for beneficial use of water.  
☒ Place of use or acres irrigated.  
☒ Map.  
☒ Signature.  
☒ Fee.  
☒ Yes ☒ No Field check required.  
☒ Yes ☒ No Critical groundwater area.  
☒ Yes ☒ No Request dam safety information. Sent by: \_\_\_\_\_ Date: \_\_\_\_\_  
☒ Yes ☒ No In form to receipt.

Field check by: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: \_\_\_\_\_ Date: \_\_\_\_\_  
☐ Idaho Fish and Game Department.  
☐ Idaho Department of Lands.  
☐ U.S. Bureau of Land Management.  
☐ U.S. Forest Service.  
☐ Other \_\_\_\_\_

PROCESSING:

- ☐ Yes ☒ No Platted by: \_\_\_\_\_ Map No. \_\_\_\_\_  
☐ Yes ☒ No Other rights on same place of use. \_\_\_\_\_  
☒ Yes ☐ No In form for advertising. \_\_\_\_\_  
Final date for protests: 6/15/86  
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 6-02-86  
☒ Application published correctly. If not, record action taken: \_\_\_\_\_  
☒ Fee amount, receipt date & number, recorded on application.  
☒ Publication dates and paper, recorded on application.  
☒ Protests, dates, withdrawal, etc., recorded on application.  
☒ Recommendation & initial, recorded on application.  
☐ Yes ☒ No Measuring device required.  
☐ Yes ☒ No Access port required.  
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 01  
5-08-86 Date of priority recommended.  
Special conditions of approval or cover letter. \_\_\_\_\_

*none*

STATE OFFICE REVIEW:

By: Ernest Carter Date: June 12, 1986

L21, L46 27 05 (01, Snake River)

☐ See attached sheet for more information.

By: KW Date: 6/12/86

RECEIVED

JUN 12 1986

Department of Water Resources

*original letter sent 5/20 copy to Gene Kalberg 5/20*

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

The following applications have been filed to appropriate the public waters of the State of Idaho:

27-7420

**CITY OF SHELLEY**

214 Emerson

Shelley, Idaho 83274

Source: GROUNDWATER

Diversion Pt.: Lot 02 (NWNW) Sec. 31, T. 01N, R. 37E.

Use: MUNICIPAL (0.020 CFS).

Date Filed: 05/08/1986.

In: LOT 02 (NWNW) Sec. 31, T. 01N, R. 37E.

The permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Sheep Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before June 9, 1986.

KEN DUNN  
Director

(9076)

Pub.: 5/22, 29

31

**RECEIVED**

JUN 2 1986

Department of Water Resources  
Eastern District Office

**AFFIDAVIT OF PUBLICATION**

County of Bingham

State of Idaho

I, Catherine G. Brown do solemnly

**Publisher**

swear that I am the \_\_\_\_\_ of The Morning News which is a daily newspaper of general circulation published each day except Sunday at Blackfoot, Bingham County Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: THURS of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue or said newspaper \_\_\_\_\_ 2 \_\_\_\_\_ consecutive weeks

the first publication having been made on the

22nd day of May 19 85.

and the last publication having been made on the

29th day of May 19 86;

that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Catherine G. Brown

Subscribed and sworn to before me this 31st

day of May 19 86.

Patricia A. Johnson

Notary Public for the State of Idaho.

Residing at Blackfoot, Idaho.

My commission expires

Oct. 20, 1988

May 19, 1986

City of Shelley  
214 Emerson  
Shelley, Idaho 83274

Re: Application for permit No. 77-7420

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification no. 77-7420. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in The Blackfoot News. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protests must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When the permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Enclosed please find your receipt no. 39631 for the amount of \$30.00.

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

Sincerely,

Ernest Carlson  
Assistant Regional Supervisor

EC/md

NOTICE OF APPLICATION

FOR WATER RIGHT

The following applications have been filed to appropriate  
the public waters of the State of Idaho:

27 7420

CITY OF SHELLEY

214 EMERSON, SHELLEY, ID 83274

Source: GROUNDWATER

Diversion Pt: LOT 02 ( NW 1/4 Sec 31 T 01N R 37E

Use: MUNICIPAL (0.020 CFS)

Date Filed: 05/03/1986

In: LOT 02 ( NW 1/4 Sec 31 T 01N R 37E

The permits will be subject to all prior water rights.

Protests may be submitted based on the criteria of Sec. 42-203A,  
Idaho Code and/or the public interest criteria of Sec. 42-203C,  
Idaho Code. Protests must be filed with the Director, Dept. of  
Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho,  
83402 on or before June 9, 1986.

KEN DUNN

Director

Published 5/22/86 & 5/29/86.