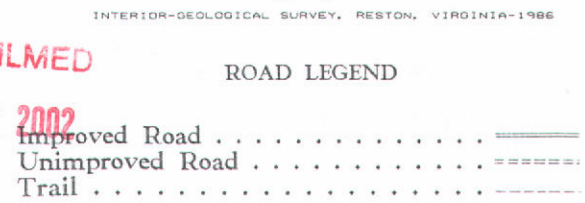


MICROFILMED
OCT 17 2002



INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1986

LEGEND

NW Cor., Sec. 11
Fnd. 5/8" L.P.
L.S. 1000

Diagram of the N.E. Car West Shore Subdivision showing a circular track with a 659.11' radius and a 1.10' offset.

14
WEST SHORE
SUBDIVISION

WEST SHORE
SUBDIVISION

WEST SHORE
SUBDIVISION

COUNTY ROAD

MICROFILMED
OCT 17 2002

NOTE

1. Proposed roads are to be public and Cameo County to maintain.
2. There will be a water well on Lot 4 which will provide water for Lots 1,2,3 and 9. There will be no residence on Lot 4.
3. The existing well on Lot 13 provides domestic water for Lots 5,6,7 and 8 of this plat.
4. Underground power will be provided for each lot before the sale of any lots.
5. There is a 60' wide right of way easement for Lots 5,6,7 and 8, through Lots 10 and 11 of West Shore Subdivision.

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary restrictions may be reimposed, in accordance with Idaho Code Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.

Date: _____

South Central District Health Dept. FHS

SAWTOOTH ENGINEERING

Set Alum. Cap by
Shirley Production

File Name	Size	Date
C:\PROJECTS\95144\95144PLT.M	17	4-15-96

37-20718

37-20718

P/D

MICROFILMED

OCT 17 2002



App 37-20718 Existing P/U Looking East From County Road
By J E Stanton April 2002



Subdivision Looking Southeasterly From County Road
By J E Stanton April 2002

MICROFILMED

OCT 17 2002

37-20718



37-20718 South End of Existing Subdivision
(Well In Small Yellow Building w/Wind Sock)
By J E Stanton April 2002

MICROFILMED
OCT 17 2002

RECEIVED

OCT 07 2002

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 18 2002

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. 37-20718 Telephone No. 487-3636

2. Name of Permit Holder(s): Don J. & Donia Farnes

3. Mailing Address: PO Box 207, Shoshone, ID 83252

City _____ State _____ Zip _____

4. Source of Water: Ground Water If GROUNDWATER (well), Date Drilled: mo. _____ / yr. 1996

Well Driller: Wood River Drilling Co. Drilling Permit Number: 815907

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 8 Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.08 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? Yes _____ or No ☒
Has the measuring device been installed? Yes _____ or No ☒

8. Fee Enclosed: \$ 50.00 (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: Don Farnes Telephone Number: 487-3636

Address: same as above

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: Don Farnes Date: 10-7-02
(include your title, if on behalf of company or organization)

MICROFILMED
FEB 10 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20718

Priority: May 07, 2002

Maximum Diversion Rate: 0.08 CFS
Maximum Diversion Volume: 9.6 AF

This is to certify, that DON J FARNES And/Or DORLA FARNES
PO BOX 207
SHOSHONE ID 83352

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>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.08 CFS	9.6 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, Twp 02S, Rge 17E, B.M., CAMAS 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
02S	17E	11						X											

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2004**.
2. Subject to all prior water rights.
3. Domestic use is for 8 homes.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
5. 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.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. The right holder shall install a suitable measuring device and report use pursuant to 42-701 of the IDAHO CODE or fully comply with the agreement described below to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law. Said separate agreement includes conditions such that:
 - The well supplying the subdivision shall not be used for irrigation except up to 0.5 acres associated with each residence, and shall be limited to a maximum instantaneous diversion rate of 36.2 gpm (0.08 cfs), a maximum daily diversion volume of 20,000 gallons per day, and a maximum annual diversion volume of 9.60 af.

MICHO, JAMES

FEB 10 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 37-20718

-The well and /or water system shall not be modified in such a way as to increase the total diversion rate or volume to more than the limits listed above.

-The right holder and protestants agree to have an engineer develop a relationship between power consumption and volume diverted from the well. Such work shall be conducted to Department standards. The right holder and protestants agree to equally split the cost of said engineering. (Engineer shall submit a copy of report of evaluation of power use and water consumption relationship to the Department, right holder and protestants.)

-Beginning July 1, 2003 the right holder shall annually (no later than January 31 of each year for the previous year) report water use using the relationship of power use -water volume relationship established by the engineering report described above. The annual report shall include copies of relevant power bills or power use to the Department for potential regulation by the Department or inspection of the protestants.

9. Point of diversion is located within Lot 4, West Shore Acres Subdivision.
10. Place of use is located within Lots 1-3 & 5-9, West Shore Acres Subdivision.
11. Failure of the right holder to comply with any condition of approval is cause for the Director to void this permit.
12. 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 15th day of December, 20 03.


KARL J DREHER, Director

MICROFILM

FEB 10 2004

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

RECEIVED

NOV 28 2002

Department of Water Resources

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 37-20718 IN THE NAME OF)
DON J. FARNES AND/OR DORLA FARNES)
_____)

**PRELIMINARY ORDER
RESCINDING APPROVAL**

This matter having come before the Department of Water Resources (Department) as a result of an application to appropriate water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On May 7, 2002, Don J. Farnes and/or Dorla Farnes (permit holders) filed Application for Permit 37-20718 (application) requesting that the Department issue them a permit to appropriate 0.08 cubic feet per second from ground water within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 2 South, Range 17 East, B.M., Camas County, for domestic use in eight homes.
2. The Department caused notice of the application to be published in the *Wood River Journal* on July 17, 2002, and July 24, 2002.
3. The Department did not receive any protests in connection with the application.
4. On September 12, 2002, the Department issued a preliminary order approving the application.
5. The *Wood River Journal* is published in Blaine County.
6. Under the provisions of §42-203A(2), *Idaho Code*, the Department "shall cause the notice to be published in a newspaper printed within the county wherein the point of diversion lies."
7. The *Camas Courier* is published in Camas County where the proposed point of diversion lies.
8. The purpose of the publication requirement set forth in §42-203A(2), *Idaho Code*, is to notify persons or entities potentially harmed by approval of the application of their right to protest the application.

CONCLUSIONS OF LAW

1. The public was not properly notified of the filing of the application because the application was not published in accordance with the law as stated in §42-203A(2), *Idaho Code*.

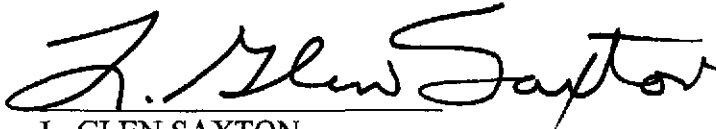
2. Approval of the permit is not valid because the legal preconditions for approval were not met.
3. The Department should rescind the approval of the application.
4. The Department should give notice of the application in accordance with the provisions of §42-203A(2), *Idaho Code*.

ORDER

IT IS HEREBY ORDERED that the issuance of Permit No. 37-20718 is **RESCINDED**.

IT IS FURTHER HEREBY ORDERED that the Department shall cause notice of the application to be published in the manner set forth in §42-203A(2), *Idaho Code*, and shall allow protests against the application to be filed with the Department in the manner set forth in §42-203A(4), *Idaho Code*.

Dated this 30th day of October, 2002.



L. GLEN SAXTON
Chief, Water Allocation Bureau

MICHOPIA
FEB 10 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20718

Priority: 05/07/2002

Maximum Diversion Rate: 0.08 CFS

This is to certify, that DON J FARNES And/Or
DORLA FARNES
PO BOX 207
SHOSHONE ID 83352

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.08 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, Twp 02S, Rge 17E, B.M., CAMAS County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	17E	11						X											

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2003**.
2. Subject to all prior water rights.
3. Point of diversion is located within Lot 4, West Shore Acres Subdivision.
4. Place of use is located within Lots 1-3 & 5-9, West Shore Acres Subdivision.
5. Domestic use is for 8 homes.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. 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.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

MICROFILMED

05 17 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 37-20718

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 17th day of September, 2002

K. J. Dreher
for
KARL J DREHER, Director

MICROFILMED

OCT 17 2002

SEP 10 2002

Department of Water Resources

Page 1

Ident. No. 37-20718

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: Don J. &/or Dorla Farnes
PO Box 207
Shoshone, ID
83352
(208) 487-3636

2. Source: Ground Water

3. Location of Point of Diversion: T. 02S R. 17E Sec. 11 NE1/4NW1/4NW1/4

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	0.08 CFS	

5. Total quantity to be appropriated is: 0.08 CFS

6. Proposed diverting works: Existing well, motor, pump, mainline to 8 lots

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

8.

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 17E 11						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:

Well was drilled and system was completed in 1996 to provide water for West Shore Acres Subdivision. Only a small amount of outside watering is allowed for each home due to limited water supply.

MICROFILMED

OCT 17 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

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.

Don J. Farnes
Applicant

Received by *JJ* Date 5-7-02 Time 10:30 Preliminary check by *JJ*
Publication prepared by *MB* Date 7/10/02 Published in *Wood River Journal*
Publication approved *MB* Date 8/6/02

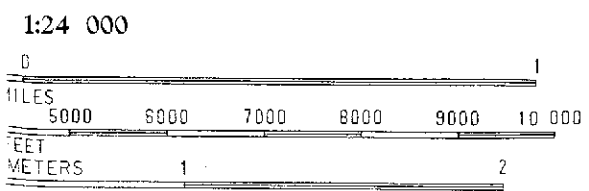
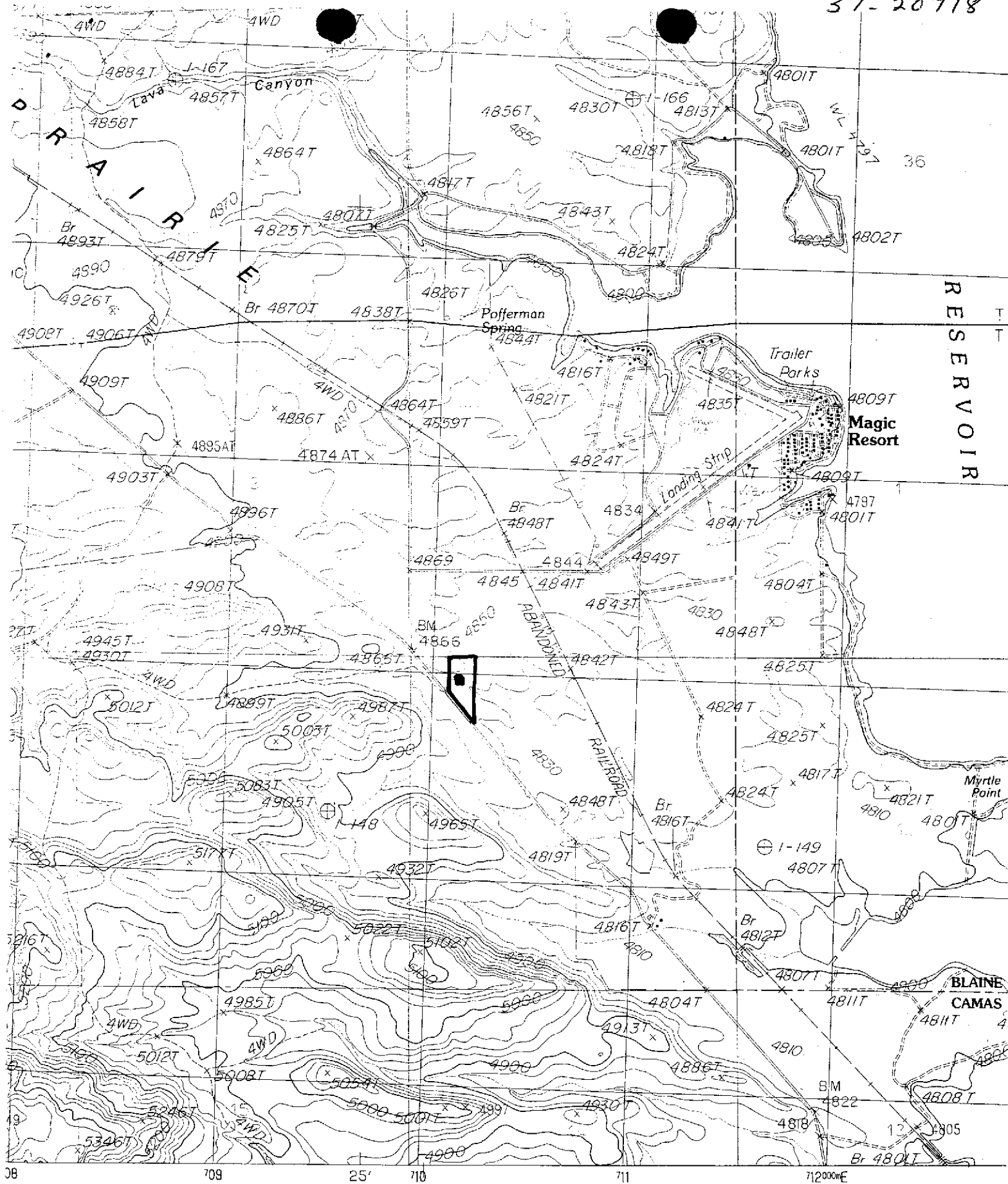
Receipt No. S024904

Date: 5-7-02

Receipted by: *JJ*

MICROFILMED

OCT 17 2002



MICROFILMED

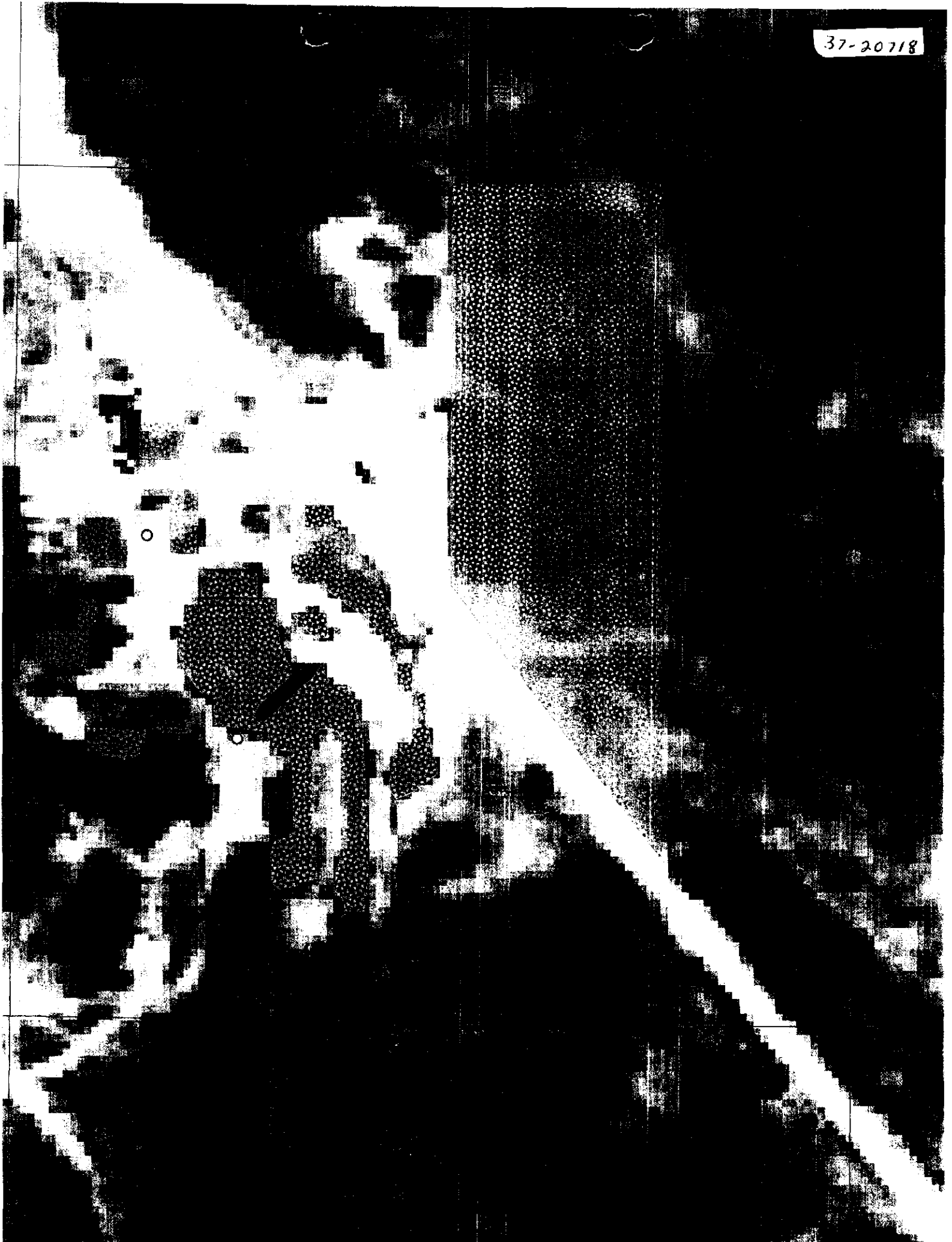
OCT 17 2002

INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1986

ROAD LEGEND

Improved Road
Unimproved Road
Trail

37-20718



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: DORLA FARNES
PO BOX 207
SHOSHONE ID 83352

&/OR

DON J FARNES
PO BOX 207
SHOSHONE ID 83352
(208)487-3236

2. Source: GROUND WATER

3. Location of Point of Diversion:

#1 GROUND WATER NE1/4NW1/4NW1/4 Sec. 11, Twp 02S, Rge 17E, B.M.
BLAINE 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	0.08 CFS	

5. Total quantity to be appropriated is: 0.08 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

- a. Type and size of devices used to divert water from the source: EXISTING WELL, MOTOR, PUMP, MAINLINE TO 8 LOTS

- b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;

- c. Well diameter is _____ 8 _____ inches;
Depth of well is _____ 340 _____ feet.

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

- e. If well is already drilled, when? _____ 1996 _____;
Drilling Firm _____ Wood River Drilling Co. _____;
Drilling Permit No. _____ 37-96-S-0029-000 _____.

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007 17 2002

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 1 year(s).

8.

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 17E 11						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 & OWNERS OF LOTS ALREADY SOLD

10. Remarks:

Well was drilled and system was completed in 1996 to provide water for West Shore Acres Subdivision. Only a small amount of outside watering is allowed for each home due to limited water supply.

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.

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

Receipt No. S024904

Date: _____

Receipted by: _____

MICROFILMED

OCT 17 2002



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

February 2, 2004

DON J FARNES
DORLA FARNES
PO BOX 207
SHOSHONE ID 83352

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO 37-20718 & 37-20726

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use forms submitted for the above referenced permits. I am enclosing copies of the proofs you filed. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial uses.

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 Southern Regional Office of the department in Twin Falls at (208) 736-3033.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

c: IDWR - Regional Office

MICROFILMED
FEB 10 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 37-20718

Reviewed By: dgibson

Date: January 29, 2004

	<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.:		815907
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		S024904, S025255	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	10/07/2002
Date proof due	- 12/01/2004
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 05/07/2002
New priority date	= 05/07/2002

Deficiencies of Actions Items

Acknowledge proof.



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

December 15, 2003

DON J FARNES
DORLA FARNES
PO BOX 207
SHOSHONE ID 83352

RE: Permit No. 37-20718

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

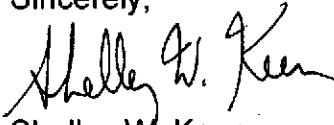
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED

FEB 10 2004

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klf

Enclosure(s)

cc: ART BROCKERAGE INC

MICROFILMED
FEB 10 2004

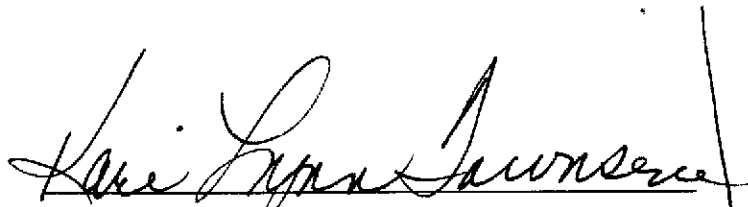
CERTIFICATE OF SERVICE

I hereby certify that on December 15, 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. 37-20718

DON J FARNES
DORLA FARNES
PO BOX 207
SHOSHONE ID 83352

ART BROCKERAGE INC
C/O DONNA ROSE
PO BOX 54
GOODING ID 83330

A handwritten signature in black ink, appearing to read 'Karl Lynn Townsend', is written over a horizontal line.

Karl Lynn Townsend
Secretary

MICROFILMED
FEB 18 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).

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.

MICROFILMED
APR 10 2003



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

DIRK KEMPTHORNE
Governor

KARL L. DREHER
Director

November 10, 2003

CHARLES G. BROCKWAY P E
BROCKWAY ENGINEERING
2016 NORTH WASHINGTON ST-STE 4
TWIN FALLS ID 83301

DON J. &/OR DORLA FARNES
PO BOX 207
SHOSHONE ID 83352

RECEIVED
NOV 11 2003
Department of Water Resources

Re: Applications for Permit No. 37-20706 and 37-20718

Ladies and Gentlemen:

This office acknowledges receipt of the Settlement Agreement regarding the above referenced applications.

Since the issue of the protests has been resolved, the Department is now prepared to proceed with the normal processing of the applications which includes regional review prior to being forwarded to our State Office.

The Department will continue review of the applications without further contact with the protestants unless information is requested; they have been so informed by copy of this letter.

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

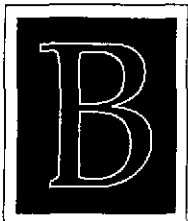
Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:mb
cc:

ART BROCKRAGE INC &
ALONZO B. LEA VELL
PO BOX 54
GOODING ID 83330

MICROFILMED
FEB 18 2004



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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OCT 29 2003
Department of Water Resources
Southern Region

October 28, 2003

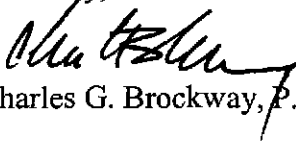
Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Withdrawal of protest / 37-20726 and 37-20718

Dear Allen:

Enclosed are protest withdrawal agreements for the above-referenced permit applications. The agreements have been executed by Donna Rose (for Art Brokerage, Inc.), Lonnie Leavell, and Don Farnes. The agreements contain several stipulations regarding limitations on flow rate and volume, and measuring and reporting requirements. Please make the agreements a direct part of the permit approvals so that the stipulations will be enforceable.

Sincerely,


Charles G. Brockway, P.E.

Enc.

cc: Lonnie Leavell
Don Farnes

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

MICROFILMED

OCT 30 2003

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OCT 29 2003
Department of Water Resources
Southern Region

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR PERMIT) AGREEMENT FOR
37-20718 IN THE NAME OF DON J. AND/OR DORLA) WITHDRAWAL
FARNES) OF PROTEST

This Agreement is made effective this 11th day of June, 20 03 by and between the following parties:

PROTESTANTS: Art Brokerage, Inc., Donna Rose, President
Alonzo B. LeaVell

APPLICANT: Don J. and/or Dorla Farnes

1. Protestants hereby withdraw their protest against application for permit number 37-20718, and agree to assert no further opposition to this administrative proceeding, subject to the conditions outlined in paragraph (2).
2. As conditions of the protest withdrawal, applicant agrees to the following:
 - a. The well supplying the subdivision shall not be used for irrigation except up to 0.5 acre associated with each residence, and shall be limited to a maximum instantaneous diversion rate of 36.2 gpm (0.081 cfs), a maximum daily diversion volume of 20,000 gallons per day, and a maximum annual diversion volume of 9.60 acre-feet.
 - b. The wells and/or water systems shall not be modified in such a way as to increase the total diversion rate or volume to more than the sum of the amounts in paragraphs 2(a) and 2(b).
 - c. Prior to July 1, 2003, Applicant and Protestant agree to have an engineer develop a relationship between power consumption and volume diverted from the well. Such work shall be conducted to Idaho Department of Water Resources standards. Applicant and Protestant agree to equally split the cost of said engineering.
 - d. Beginning July 1, 2003, Applicant shall use the power-volume relationship developed pursuant to Paragraph 2.c. to record the total volume diverted on a monthly basis and shall report the data annually, no later than January 31 of each year for the previous year, to the Idaho Department of Water Resources, and shall submit with the report copies of monthly power bills for the previous year.

MIAMI

FEB 13 2004

- e. Prior to July 1, 2003, Applicant and Protestant agree to have an engineer develop a relationship between power consumption and volume diverted from each of the two wells. Such work shall be conducted to Idaho Department of Water Resources standards. Applicant and Protestant agree to equally split the cost of said engineering.
- f. Beginning July 1, 2003, Applicant shall record the flow rate and total volume on a monthly basis and report the data annually, no later than January 31 of each year for the previous year, to the Idaho Department of Water Resources, *and shall submit with the report copies of monthly power bills for the previous year.*

Art Brokerage, Inc., Protestant:

Donna Rose 6/11/03
Signature Date
DONNA ROSE
Name

Title

Alonzo B. Leavell, Protestant:

Alonzo B. Leavell 6/11/03
Signature Date
Name

Title

Don J. and/or Dorla Farnes, Applicant:

Don J. Farnes 6/11/03
Signature Date

Name

Title

MAILED
SEP 10 2003

Service Agreement No: 9062499768

Next Read Date: 01/29/2003

Service Location: WS LOT8 WELL/SHOSHONE, ID

Meter Number	Service Period From To	Number of Days	Reading Type	Meter Readings Previous Current	Meter Constant	kWh Used
002147110602	11/29/02 12/30/02	31	Verified	94600 94681	1	81

Commercial
Rate Schedule
I07

11/29/2002 - 12/30/2002 31 days \$0.00
Customer Charge, per meter per month \$2.51
Energy Charge 81 kWh @ \$0.07689 per kWh \$6.23
Conservation Program Funding Charge \$0.03

Current Charges - Electric Service..... \$8.77

Average
Daily Use
Comparison

This Month This Year:	This Month Last Year: *
Days = 31	Days = 30
kWh Billed = 81	kWh Billed = 0
kWh per Day = 2.6	kWh per Day = 0.0

CR = Credit BLC = Basic Load Capacity
kWh = Kilowatt-hour G = Generation
kW = Kilowatt
* Available after 12 months of service at this location.

RECEIVED
NOV 14 2003
Department of Water Resources
Southern Region

Service Agreement No: 9062499768

Next Read Date: 02/27/2003

Service Location: WS LOT8 WELL/SHOSHONE, ID

Meter Number	Service Period From To	Number of Days	Reading Type	Meter Readings Previous Current	Meter Constant	kWh Used
002147110602	12/30/02 01/29/03	30	Verified	94681 94758	1	77

Commercial
Rate Schedule
I07

12/30/2002 - 01/29/2003 30 days \$0.00
Customer Charge, per meter per month \$2.51
Energy Charge 77 kWh @ \$0.07689 per kWh \$5.92
Conservation Program Funding Charge \$0.02

Current Charges - Electric Service..... \$8.45

Average
Daily Use
Comparison

This Month This Year:	This Month Last Year: *
Days = 30	Days = 32
kWh Billed = 77	kWh Billed = 0
kWh per Day = 2.5	kWh per Day = 0.0

CR = Credit BLC = Basic Load Capacity
kWh = Kilowatt-hour G = Generation
kW = Kilowatt
* Available after 12 months of service at this location.

Service Agreement No: 9062499768

Next Read Date: 03/31/2003

Service Location: WS LOT8 WELL/SHOSHONE, ID

Meter Number	Service Period From To	Number of Days	Reading Type	Meter Readings Previous Current	Meter Constant	kWh Used
002147110602	01/29/03 02/27/03	29	Verified	94758 94826	1	68

Commercial
Rate Schedule
I07

01/29/2003 - 02/27/2003 29 days \$0.00
Customer Charge, per meter per month \$2.51
Energy Charge 68 kWh @ \$0.07689 per kWh \$5.23
Conservation Program Funding Charge \$0.02

Current Charges - Electric Service..... \$7.76

Average
Daily Use

This Month This Year:	This Month Last Year: *
Days = 29	Days = 30
kWh Billed = 68	kWh Billed = 0

CR = Credit BLC = Basic Load Capacity
kWh = Kilowatt-hour G = Generation
kW = Kilowatt

RECEIVED
FEB 10 2003
MIDWEST

Service Agreement No: 9062499768
Service Location: WS LOT8 WELL/SHOSHONE, ID

Next Read Date: 06/27/2003

Meter Number	Service Period From To	Number of Days	Reading Type	Meter Readings Previous Current	Meter Constant	kWh Used
002147110602	04/29/03 05/29/03	30	Regular	95052 95370	1	318

Prorated 04/30/03 - 05/15/03 16 days - 14.43 \$0.00
Customer Charge, per meter per month \$1.34

Commercial
Rate Schedule

Page: 2 of 2

Service Agreement No: 9062499768
Service Location: WS LOT8 WELL/SHOSHONE, ID

Next Read Date: 07/29/2003

Meter Number	Service Period From To	Number of Days	Reading Type	Meter Readings Previous Current	Meter Constant	kWh Used
002147110602	05/29/03 06/27/03	29	Regular	95370 96043	1	673

05/29/2003 - 06/27/2003 29 days \$0.00
Customer Charge, per meter per month \$2.51
Energy Charge 673 kWh @ \$0.068126 per kWh \$45.85
Conservation Program Funding Charge \$0.21

Commercial
Rate Schedule
I07

Current Charges - Electric Service..... \$48.57

Average
Daily Use

This Month This Year:	This Month Last Year: *
Days = 29	Days = 29
kWh Billed = 673	kWh Billed = 877

CR = Credit
kWh = Kilowatt-hour
kW = Kilowatt
BLC = Basic Load Capacity
G = Generation
* Available after 12 months of service at this location.

Page: 2 of 2

Service Agreement No: 9062499768
Service Location: WS LOT8 WELL/SHOSHONE, ID

Next Read Date: 05/29/2003

Meter Number	Service Period From To	Number of Days	Reading Type	Meter Readings Previous Current	Meter Constant	kWh Used
002147110602	03/31/03 04/29/03	29	Regular	94894 95052	1	158

03/31/2003 - 04/29/2003 29 days \$0.00
Customer Charge, per meter per month \$2.51
Energy Charge 158 kWh @ \$0.07689 per kWh \$12.15
Conservation Program Funding Charge \$0.05

Commercial
Rate Schedule
I07

Page: 2 of 2

Service Agreement No: 9062499768
Service Location: WS LOT8 WELL/SHOSHONE, ID

Next Read Date: 04/29/2003

Meter Number	Service Period From To	Number of Days	Reading Type	Meter Readings Previous Current	Meter Constant	kWh Used
002147110602	02/27/03 03/31/03	32	Verified	94826 94894	1	68

02/27/2003 - 03/31/2003 32 days \$0.00
Customer Charge, per meter per month \$2.51
Energy Charge 68 kWh @ \$0.07689 per kWh \$5.23
Conservation Program Funding Charge \$0.02

Commercial
Rate Schedule
I07

Current Charges - Electric Service..... \$7.76

Average

This Month This Year:	This Month Last Year: *
Days = 32	Days = 32

CR = Credit
kWh = Kilowatt-hour
BLC = Basic Load Capacity
G = Generation



www.idahopower.com

Questions? Contact us at:
P.O. Box 30, Boise, ID 83721
Or call us at 388-2323 (Treasure Valley)
or (800) 488-6151
For faster service please call
Tuesday through Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: DON J FARNES
Account Number: 8719922100
Billing Date: 07/31/2003
Print Date: 08/01/2003

Page: 2 of 2

Service Agreement No: 9062499768
Service Location: WS LOT8 WELL/SHOSHONE, ID

Next Read Date: 08/27/2003

Meter Number	Service Period From To	Number of Days	Reading Type	Meter Readings Previous Current	Meter Constant	kWh Used
002147110602	06/27/03 07/29/03	32	Regular	96043 96919	1	876

Commercial
Rate Schedule
107

06/27/2003 - 07/29/2003 32 days \$0.00
Customer Charge, per meter per month \$2.51
Energy Charge 876 kWh @ \$0.068126 per kWh \$59.68
Conservation Program Funding Charge \$0.28

Current Charges - Electric Service..... \$62.47

Average
Daily Use
Comparison

This Month This Year:	This Month Last Year: *
Days = 32	Days = 32
kWh Billed = 876	kWh Billed = 1104
kWh per Day = 27.3	kWh per Day = 34.5

CR = Credit BLC = Basic Load Capacity
kWh = Kilowatt-hour G = Generation
kW = Kilowatt
* Available after 12 months of service at this location.



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Tuesday through Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: DON J FARNES
Account Number: 8719922100
Billing Date: 08/29/2003
Print Date: 08/30/2003

Page: 2 of 2

Service Agreement No: 9062499768
Service Location: WS LOT8 WELL/SHOSHONE, ID

Next Read Date: 09/26/2003

Meter Number	Service Period From To	Number of Days	Reading Type	Meter Readings Previous Current	Meter Constant	kWh Used
002147110602	07/29/03 08/27/03	29	Regular	96919 97806	1	887

Commercial
Rate Schedule
107

07/29/2003 - 08/27/2003 29 days \$0.00
Customer Charge, per meter per month \$2.51
Energy Charge 887 kWh @ \$0.068126 per kWh \$60.43
Conservation Program Funding Charge \$0.28

Current Charges - Electric Service..... \$63.22

Average
Daily Use
Comparison

This Month This Year:	This Month Last Year: *
Days = 29	Days = 30
kWh Billed = 887	kWh Billed = 1013
kWh per Day = 30.5	kWh per Day = 33.7

CR = Credit BLC = Basic Load Capacity
kWh = Kilowatt-hour G = Generation
kW = Kilowatt
* Available after 12 months of service at this location.



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For faster service please call
Tuesday through Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: DON J FARNES
Account Number: 8719922100
Billing Date: 09/30/2003
Print Date: 10/01/2003

Page: 2 of 2

Service Agreement No: 9062499768
Service Location: WS LOT8 WELL/SHOSHONE, ID

Next Read Date: 10/28/2003

Meter Number	Service Period From To	Number of Days	Reading Type	Meter Readings Previous Current	Meter Constant	kWh Used
002147110602	08/27/03 09/26/03	30	Regular	97806 98519	1	713

Commercial
Rate Schedule
107

08/27/2003 - 09/26/2003 30 days \$0.00
Customer Charge, per meter per month \$2.51
Energy Charge 713 kWh @ \$0.068126 per kWh \$48.57
Conservation Program Funding Charge \$0.22

Current Charges - Electric Service..... \$51.30

Average
Daily Use

This Month This Year:	This Month Last Year: *
Days = 30	Days = 32
kWh Billed = 713	kWh Billed = 837

CR = Credit BLC = Basic Load Capacity
kWh = Kilowatt-hour G = Generation
kW = Kilowatt

Page: 2 of 2



www.idahopower.com

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Or call us at 388-2323 (Treasure Valley)
or (800) 488-6151
For faster service please call
Tuesday through Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: DON J FARNES
Account Number: 8719922100
Billing Date: 10/30/2003
Print Date: 10/31/2003

Service Agreement No: 9062499768
Service Location: WS LOT8 WELL/SHOSHONE, ID

Next Read Date: 11/28/2003

Meter Number	Service Period From To	Number of Days	Reading Type	Meter Readings Previous Current	Meter Constant	kWh Used
002147110602	09/26/03 10/28/03	32	Regular	98519 99077	1	558

Commercial
Rate Schedule
107

09/26/2003 - 10/28/2003 32 days \$0.00
Customer Charge, per meter per month \$2.51
Energy Charge 558 kWh @ \$0.068126 per kWh \$38.01
Conservation Program Funding Charge \$0.18

Current Charges - Electric Service..... \$40.70

Average

This Month This Year:	This Month Last Year: *
-----------------------	-------------------------

CR = Credit

10/31/2003

SEP 10 2002

FILE PROGRESS SUMMARY

APPLICANT:

WATER RIGHT NO.

37-20718

[illegible]

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

RECEIVED

SEP 10 2002

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY J. Stanton DATE 8-8-02

REQUIRED INFORMATION (Ck if OK)

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.
- ☒ Address
- ☒ Source (see USGS quad for names of water sources)
- ☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
- ☒ County
- ☒ Quantity (flow &/or volume)
- ☒ Period of use
- ☒ Nature of proposed use (include description of use)
- ☒ Description of diverting works.
- ☒ Time required for beneficial use of water.
- ☒ Place of use or acres irrigated.
- ☒ Map
- ☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
- ☒ Fee
- ☐ Yes ☐ No* In form to receipt?

++++PROPOSED PRIORITY DATE 5-7 10, 2002

ADDITIONAL INFORMATION

- ☐ Overlapping place of use(Describe source & relationship to present application on the back.
- ☐ Overlapping point of diversion.
- ☐ Yes ☒ No Is Source Surface Water?
If Yes Send Copy to F&G.
If Yes Field check/memo required.
Field check/memo by _____
- ☐ Yes ☐ No Field report attached?
- ☐ Yes ☒ No Critical Ground water area?
- ☒ Yes ☐ No Groundwater management area?
- ☐ Yes ☒ No Measurement District or Groundwater District?
What District? _____
- ☐ Yes ☒ No Send Dam safety information?
- ☐ Yes ☒ No Send power requirement letter?
- ☐ Yes ☒ No Send fish farm requirement letter?
- ☐ Yes ☒ No Power residency affidavit attached?
- ☐ Yes ☒ No Power efficiency form?
- ☒ Yes ☒ No Within trustwater boundary?(If yes, attach trustwater supplementary analysis sheet.
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft? (If yes, attach large diversion supplementary analysis sheet.
- ☐ Yes ☒ No Is Application made to record Pre Nov 1987 Development?
If Yes then request clear evidence of when use started.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____

Date Sent Comments Received

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare	_____	_____
☐ USDI BLM	_____	_____
☐ Idaho Dept of Fish & Game	_____	_____
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☐ Water Dist. No. _____	_____	_____
☐ Adjudication Bureau Unit	_____	_____
_____	_____	_____
_____	_____	_____

PROCESSING ☒ Yes ☐ No In form for Advertising?
☐ Yes ☒ No Statewide Advertising?
☒ Yes ☐ No Fee amount, receipt date & No. recorded?

☐ Yes ☐ No Has all requested additional information been received?
If not, describe action taken: _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received?
☐ Yes ☐ No Application published correctly? If not, record action taken.

☐ Yes ☐ No Publication dates and paper recorded?

Final date for protest: _____

☐ Yes ☒ No Protests received?

☐ Yes ☒ No Protested?

Describe Resolution: _____

☐ Yes ☒ No Measuring device required?

☐ Yes ☒ No Access port required?

☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist? _____

☐ Yes ☒ No Special conditions codes: _____

☒ Yes ☐ No Is Evaluation Memo Attached?

If yes; date of Memo _____

Date of priority recommended: 5/7/02

COMMENTS:

RECOMMEND ☒ Approval ☐ Denial

By AD Date 9/9/02

11/24/07



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 10, 2003

CHARLES G. BROCKWAY P E
BROCKWAY ENGINEERING
2016 NORTH WASHINGTON ST-STE 4
TWIN FALLS ID 83301

DON J. &/OR DORLA FARNES
PO BOX 207
SHOSHONE ID 83352

Re: Applications for Permit No. 37-20706 and 37-20718

Ladies and Gentlemen:

This office acknowledges receipt of the Settlement Agreement regarding the above referenced applications.

Since the issue of the protests has been resolved, the Department is now prepared to proceed with the normal processing of the applications which includes regional review prior to being forwarded to our State Office.

The Department will continue review of the applications without further contact with the protestants unless information is requested; they have been so informed by copy of this letter.

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

Very truly yours,

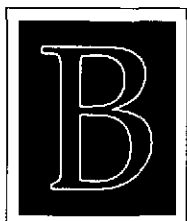
Allen D. Merritt, P.E.
Southern Region Manager

AM:mb
cc:

ART BROCKRAGE INC &
ALONZO B. LEA VELL
PO BOX 54
GOODING ID 83330

MICROFILMED

FEB 10 2004



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

ORIGINAL

RECEIVED

OCT 29 2003

Department of Water Resources
Southern Region

October 28, 2003

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Withdrawal of protest / 37-20726 and 37-20718

Dear Allen:

Enclosed are protest withdrawal agreements for the above-referenced permit applications. The agreements have been executed by Donna Rose (for Art Brokerage, Inc.), Lonnie Leavell, and Don Farnes. The agreements contain several stipulations regarding limitations on flow rate and volume, and measuring and reporting requirements. Please make the agreements a direct part of the permit approvals so that the stipulations will be enforceable.

Sincerely,

Charles G. Brockway, P.E.

Enc.

cc: Lonnie Leavell
Don Farnes

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

Microfilm
FEB 10 2004

RECEIVED

OCT 29 2003

Department of Water Resources
Southern Region

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION FOR PERMIT) AGREEMENT FOR
37-20718 IN THE NAME OF DON J. AND/OR DORLA) WITHDRAWAL
FARNES) OF PROTEST

This Agreement is made effective this 11th day of June, 20 03 by and between the following parties:

PROTESTANTS: Art Brokerage, Inc., Donna Rose, President
Alonzo B. LeaVell

APPLICANT: Don J. and/or Dorla Farnes

Withdrawal
of protest

1. Protestants hereby withdraw their protest against application for permit number 37-20718, and agree to assert no further opposition to this administrative proceeding, subject to the conditions outlined in paragraph (2).
2. As conditions of the protest withdrawal, applicant agrees to the following:
 - a. The well supplying the subdivision shall not be used for irrigation except up to 0.5 acre associated with each residence, and shall be limited to a maximum instantaneous diversion rate of 36.2 gpm (0.081 cfs), a maximum daily diversion volume of 20,000 gallons per day, and a maximum annual diversion volume of 9.60 acre-feet.
 - b. The wells and/or water systems shall not be modified in such a way as to increase the total diversion rate or volume to more than the sum of the amounts in paragraphs 2(a) and 2(b).
 - c. Prior to July 1, 2003, Applicant and Protestant agree to have an engineer develop a relationship between power consumption and volume diverted from the well. Such work shall be conducted to Idaho Department of Water Resources standards. Applicant and Protestant agree to equally split the cost of said engineering.
 - d. Beginning July 1, 2003, Applicant shall use the power-volume relationship developed pursuant to Paragraph 2.c. to record the total volume diverted on a monthly basis and shall report the data annually, no later than January 31 of each year for the previous year, to the Idaho Department of Water Resources, and shall submit with the report copies of monthly power bills for the previous year.

Art Brokerage, Inc., Protestant:

Donna Rose 6/11/03
Signature Date
DONNA ROSE
Name
President
Title

Alonzo B. Leavell, Protestant:

Alonzo B. Leavell 6/11/03
Signature Date

Name

Title

Don J. and/or Dorla Farnes, Applicant:

Don J. Farnes 6/11/03
Signature Date

Name

Title

Notarized
FEB 10 2004

[illegible]

Page 1

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of May, 2003 a true and correct copy of the above and foregoing document was forwarded with all required charges prepared, by Regular U.S. Mail to the parties listed:

Mary Baldwin

Secretary

WEST SHORE SUB. HOMEOWNERS ASSN.
C/O DON.&/OR DORLA FARNES
PO BOX 207
SHOSHONE ID 83352

ART BROCKRAGE INC
C/O ALONZO B. LEA VELL
PO BOX 54
GOODING ID 83330

CHARLES G. BROCKWAY
BROCKWAY ENGINEERING
2016 N WASHINGTON STE 4
TWIN FALLS ID 83301

MAILED
FEB 10 2004



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 14, 2003

Attn: Barb Estelle
NATURAL RESOURCES CONSERVATION SERVICE
215 WEST "F" STREET
SHOSHONE ID 83352

Dear Barb:

The purpose of this letter is to confirm our reservation of the Conference Room for a meeting to be held by this office on ~~Wednesday~~ **June 11, 2003** from 1:00 - 5:00 p.m.

If you have any questions please feel free to contact me or Allen Merritt, Southern Regional Office Manager.

Thank you very much for your assistance in this matter.

Very truly yours,

Mary Baldwin
Administrative Assistant

MICHOI
SEP 13 2003

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

SS.

County of Camas)

RECEIVED

MAR 25 2003

Department of Water Resources
Southern Region

Edward Reagan, being first duly sworn, deposes and says that he/she is the designated agent for the publisher of The Camas Courier, a newspaper published every week in Fairfield, County of Camas, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145, that the annexed advertisement, a copy of which is hereto attached, was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 20th day of November, 2002, and the date of the last publication was on the 27th day of November, 2002.

Edward Reagan

On this 24 day of March, in the year of 2003, before me,
a Notary Public, personally appeared Edward Reagan,
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.

Babbie D. Walton

Notary Public for Idaho

Residing in Fairfield.

My commission expires: D. Clerk

THE CAMAS COURIER

Post Office Box 339

Fairfield, Idaho

Cost of Publication

Number of lines in notice	<u>46</u>	
Number of insertions	<u>2</u>	
Cost for advertisement First insertion	\$	<u>16.10</u>
Second insertion(s)	\$	<u>13.80</u>
Total cost	\$	<u>29.90</u>

RECEIVED

MAR 25 2003

Department of Water Resources
Southern Region

OK MB

3/25/03

March 25 2003

APR 10 2003

RECEIVED

MAR 25 2003

Legal Advertisements

Legal Advertisements

Legal Advertisements

NOTICE OF APPLICATION

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

37-20718

DON J. &/OR DORLA FARNES
PO BOX 207
SHOSHONE ID 83352

Point of Diversion & Place of Use: NWNW, S11, T02S, R17E

Source: GROUND WATER

Use: 01/01 To 12/31

DOMESTIC 0.08 CFS

Date Filed: 05/07/2002

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 12/10/2002. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

published on November 20 & 27, 2002.

LEGAL NOTICE OF PUBLIC HEARING

Pursuant to Idaho Code 67-6509 NOTICE IS HEREBY GIVEN that the Camas County Board of Commissioners will hold a public hearing in the Commissioners room of the Court House Annex, on Monday the 9th day of December 2002 at 9:30 p.m. The purpose of this hearing is to hear a request by John Sims to change the zoning on 160 acres of his property up Lawrence Creek from Agricultural Zone to Agricultural Transition. The legal description for this area is:

Tax Lot #1282 in Section 28, and Tax lot #1283 in Section 33 of Township 2N and Range 14E.

published on November 20, 27 and December 4, 2002

LEGAL NOTICE OF PUBLIC HEARING

Pursuant to Idaho Code 67-6509, NOTICE IS HEREBY GIVEN that the Camas County Board of Commissioners will hold a public hearing in the Commissioners Room of the Court House Annex, on Monday the 9th day of December, 2002 at 9:40 p.m. The purpose of this hearing is to hear an appeal by Chris Loomis regarding a rejection by the Planning and Zoning Commission to his proposal to change the Land Use Map designation of Camas County's Comprehensive Plan. This property is described as:

NW1/4 of SW1/4 Section 35 of Township 1N and Range 14E.

published on November 20, 27 and December 4, 2002

LEGAL NOTICE OF PUBLIC HEARING

Pursuant to Idaho Code 31-1413, NOTICE IS HEREBY GIVEN that the West Magic Fire District Commissioners will hold a public meeting at Burren West Resort on Saturday the 23rd day of November 2002 at 12 noon.

If you would like to receive a notice for each Fire District Public Meeting, please notify Deloris Gillespie at 32 McCullough Drive #7 West Magic, Idaho 83352 or call 487-2045.

**1st DAY OF THE REGULAR SESSION
FOR THE CAMAS COUNTY COMMISSIONERS
October 15, 2002**

The meeting was called to order by Chairman, Bill Davis at 9:00 a.m. Also present were Ron Chapman, Ken Backstrom and Clerk Rollie Bennett.

The minutes were read and approved as read.

Mike Westling met with the Board.

A public hearing was held at 9:30 a.m. as advertised to change the Land Use Map of the Camas County Comprehensive Plan to include Jack Sims 160 acres in Lawrence Creek in the Ag Tran designation. Ron moved to close the public hearing. 2nd by Ken. Passed. Ron moved to approve the change in the Land Use Map. 2nd by Ken. Passed.

Jeff Ford of the Geographic Names Authority along with Terry Platts met with the Board and explained how the names of two canyons, Mill Canyon and Narrow Canyon, had been switched back in the 1970's. They asked the Commissioners to write a letter supporting the change back to the way they originally existed. Ken moved to approve their request. 2nd by Ron. Passed.

Ken Robinette from South Central Community Action Agency met with the Board.

Gerald Martins met with the Board and requested that the County haul and provide material to fill in the potholes and backfill around the Levelation building at the Mill Site. Ken made a motion to provide the requested material and labor to fulfill the County's obligation toward the grant. 2nd by Ron. Passed.

Pat Funkhouser met with the Board and discussed activities in the Road & Bridge department. He gave an update on the Barron Road Bridge project.

Derral Hupfer met with the Board and gave an update on the Senior Center and Rural Addressing project.

Keith Rast met with the Board and discussed activities in the Sheriff's office.

The Board discussed the possibility of picking up part of the cost the ICRMP Insurance premium for the fire department. The Board felt that they already contributed more than 2/3 of the fire department expenses.

The Board discussed the proposal By Laws for the Snake River Youth Center Joint Advisory Board. Ken moved to approve and authorize the Chairman to sign the agreement. 2nd by Ron. Passed.

The Board discussed the County's Major Medical Coverage. The Board decided to continue with Blue Cross of Idaho with maternity coverage.

Ron moved to approve the bills. 2nd by Ken. Passed.

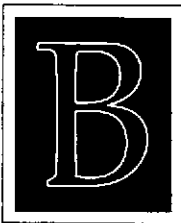
Adjourned at 4:40 p.m.

MICHAEL L...
APR 10 2003

23 X 2 columns = 46 lines

1st In
46 X .35 = 16.10

2nd In
46 X .30 = 13.80



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

March 12, 2003

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RECEIVED
MAR 13 2003
Department of Water Resources
Bozeman Region

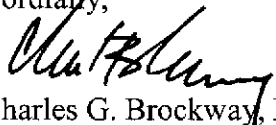
Re: Protest of Farnes permit applications 37-20718 and 37- 20726

Dear Allen:

The protestants in the above-referenced matter have attempted to reach agreement with Mr. Farnes to allow a withdrawal of the protest. The protestants made an offer that involved reduced annual volume limits on the three wells, installation of measuring devices, and reporting requirements. Mr. Farnes indicated he could accept the volume limitations, but would not agree to install measuring devices.

I believe one more brief conference would be appropriate in order to set dates for a hearing.

Cordially,


Charles G. Brockway, P.E.

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

cc: Lonnie Leavell
Don Farnes

RECEIVED
FEB 10 2003



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 31, 2002

Alonzo LeaVell
PO Box 54
Gooding, ID 83330

Don &/or Dorla Farnes
PO Box 207
Shoshone, ID 83352

Art Brokerage Inc
C/O Donna Rose, President
PO Box 54
Gooding, ID 83330

West Shore Subdivision Homeowner Assn.
C/O Don Farnes
PO Box 207
Shoshone, ID 83352

RE: Application for Permit No. 37-20718 in the name of Don &/or Dorla Farnes for
West Shore Acres Subdivision

Application for Permit No. 37-20726 in the name of West Shore Subdivision
Homeowners Assn. &/or Don and/or Dorla Farnes for West Shore Subdivision

Dear Parties:

This letter is being sent to confirm the current status of the applications and parties to the protests for the above referenced applications.

Currently application 37-20726 has Alonzo LeaVell as the sole protestant in this matter. Our records show there was a joint letter filed by Mr. LeaVell and Art Brokerage Inc. with a protest form completed by Mr. LeaVell and a \$75.00 protest fee paid by LeaVell Cattle. The \$75.00 fee was receipted in Boise with receipt No. C063645. Due to a possible misinterpretation by the department of the intent to file multiple protests by separate parties a refund of \$50.00 has been made leaving only one protestant (Mr. LeaVell).

Currently application 37-20718 has Art Brokerage Inc. as the sole protestant in this matter with Mr. LeaVell listed as representative for Art Brokerage Inc. Our records show again there was a joint letter filed by Mr. LeaVell and Art Brokerage Inc. with a protest form completed by Art Brokerage and a \$25.00 protest fee paid by Art Brokerage Inc. receipted in Twin Falls with receipt No. S025296.

As you know on November 6, 2002 a pre-hearing conference for 37-20726 was held in Shoshone, Idaho. Mr. & Mrs. Farnes were present as was Mr. LeaVell and his consultant Chuck Brockway Jr. During the conference Mr. Farnes provided details of the existing pumps and uses at both subdivisions (West Shore Subdivision and West Shore Acres Subdivision) covered by the subject applications. Based on this explanation it was my

RECEIVED
DEC 13 2002

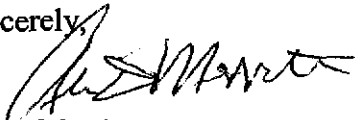
understanding that the protestants would consult further. I further understood that possibly a pump test may be conducted by the parties &/or the parties would consider drafting a potential settlement agreement. I understood Mr. and Mrs. Farnes were agreeable to work with the protestants. No formal hearing was scheduled at that conference.

This office will hold both applications without further action until such time the office is informed in writing that the parties have formulated an agreement allowing the protests to be withdrawn or that negotiations have failed and a hearing needs to be set. If negotiations fail the office will need to schedule another pre-hearing conference to work out the details for the formal hearing.

If it becomes important to any party not currently listed as a protestant as described above for the respective applications, that party may file a motion to intervene as described in the Rules of Procedure (IDAPA 37 Title 01 Chapter 01) Rule 350 thru 354 and pay the \$25.00 intervention fee prior to 14 days of any formal hearing.

If any party has questions please feel free to contact this office.

Sincerely,



Allen Merritt, PE
Southern Region Manager

CC: Brockway Jr.

MAILED
FEB 16 1993



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 16, 2002

DON J. &/OR DORLA FARNES
PO BOX 207
SHOSHONE ID 83352

Application for Permit No. 37-20718

Dear Applicant(s):

Enclosed is a copy of a protest filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department.

In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest. If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing.

The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

Please contact this office if you have any questions regarding this procedure or if you wish to schedule a conference and/or hearing.

Sincerely,

Allen D. Merritt, P.E.
Regional Manager

Enclosures

REC-10
FEB 19 2004



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 16, 2002

ART BROCKERAGE INC
C/O ALONZO B. LEA VELL
PO BOX 54
GOODING ID 83330

RE: APPLICATION FOR PERMIT NO. 37-20718 - Don &/or Dorla Farnes

Dear Protestant(s):

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that they contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MAILED 12/17/02
DEC 17 2002



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 19, 2002

DON J. &/OR DORLA FARNES
PO BOX 207
SHOSHONE ID 83352

Re: Application for Permit No. 37-20718

Dear Applicants:

As you know, a data entry error has necessitated the re-advertising of your application in the newspaper for Camas County.

That publication has been scheduled for 11/20 & 11/27 in the Camas Courier with the last date for the timely submittal of protests being on December 10, 2002.

At this time, we have received one protest against your application and will notify you after the protest date if additional ones are filed; a copy is enclosed for your review. The Department suggests that you contact the protestant in an effort to resolve the issue.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Sincerely,

Mary A. Baldwin
Administrative Assistant

MB

MAILED
FEB 13 2003

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN Regional Manager
1341 FILLMORE STREET-SUITE #200
TWIN FALLS ID 83301

Phone: 736-3033

Fax#: 736-3037

November 14, 2002

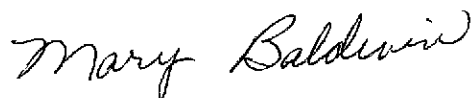
EDWARD REAGAN EDITOR
CAMAS COURIER
PO BOX 339
FAIRFIELD ID 83327

Dear Mr. Reagan:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your prompt cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

RECEIVED
FEB 10 2003

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

37-20718

DON J. &/OR DORLA FARNES
PO BOX 207
SHOSHONE ID 83352

Point of Diversion & Place of Use: NWNW, S11, T02S, R17E
Source: GROUND WATER
Use: 01/01 To 12/31
DOMESTIC 0.08 CFS
Date Filed: 05/07/2002

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 12/10/2002. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in the Camas Courier on 11/20 & 11/27/02.

MAILED 11/27/02
FEB 1 10 2004

OCT 31 02 11:10a
Oct 31 02 11:40a

David
Lea Vell Cattle

909 895-2165
2089348879

p.2
p.2

LEAVELL CATTLE

Lonnie LeaVell
Cell: (208) 539-0101

P.O. Box 54
GOODING, IDAHO 83330

(208) 934-8543
FAX (208) 934-8879

October 31, 2002

RECEIVED
NOV 04 2002

Department of Water Resources
Southern Region

Karl J. Dreher, Director
Dept. of Water Resource, Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380 (208) 736-3033

Re: Don J. &/or Dorla Farnes
Water Permit #37-20718

Dear Mr. Dreher:

This letter is to serve as notice of protest. We the undersigned feel applicant's present use and the approval of the foregoing permit have interfered with our springs located in the immediate area. Said springs are licensed under #37-2211 with priority of May 9, 1911 with use from Jan 1st through December 31st, permit #37-11989 with priority date of May 9, 1911 and Water License #37-7395 with priority date October 30, 1974.

Over the past few years subject springs have been dry several times leading us to feel the Farnes' heavy water usage has tapped the spring's water source.

We request subject permit #37-20718 be denied.

Very Truly yours,

Art Brokerage, Inc.

by Donna Rose
Donna Rose, President

Alonzo B. LeaVell
Alonzo B. LeaVell

cc: Don Farnes
Chuck Brockway
enc:\$25 Check

MICROFILMED
FEB 10 2004

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

RECEIVED

NOV 04 2002

Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Water Permit #37-20718 in the name of Don J. s/or Dorla Farnes
2. Name of protestant Donna Rose, Art Brokerage, Inc.
3. Protestant's Representative for service (If different than protestant)
Aionzo B. LeaVell
4. Service mailing address P.O. Box 54, Gooding, ID 83330
5. Service telephone no. (208) 934-8543
6. Basis of protest (including statement of facts and law upon which the protest is based)
See attached letter

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Denial of Water Permit #37-20718

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 10 day of 31, 2002

by Donna Rose
Protestant Donna Rose, Pres. Art Brokerage, Inc.

Aionzo B. LeaVell
Protestant's Representative Aionzo B. LeaVell

MB
MICROFILMED 11/4/02
FEB 10 2003 5025296



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 30, 2002

DON J FARNES
DORLA FARNES
PO BOX 207
SHOSHONE ID 83352

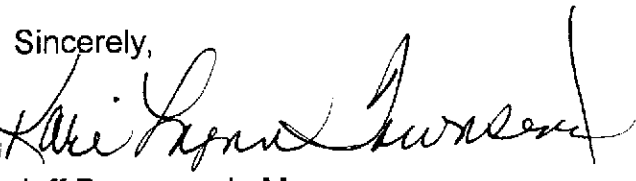
RE: Preliminary Order Rescinding Approval of Permit 37-20718

Dear Interested Parties:

The accompanying order 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 unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-327-7940.

Sincerely,

for 

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

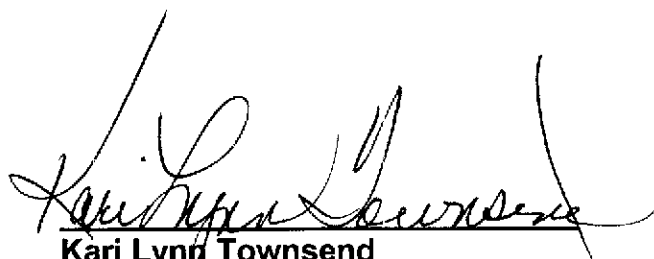
FEB 10 2004

CERTIFICATE OF SERVICE

I hereby certify that on **October 30, 2002**, I mailed a true and correct copy, certified, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

RE: Permit 37-20718

**DON J FARNES
DORLA FARNES
PO BOX 207
SHOSHONE ID 83352**



**Kari Lynn Townsend
Secretary**

MICROFILMED
FEB 19 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).

MAILED
FEB 10 2004

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.

NOTICE
SEP 15 2004

Keen, Shelley

From: Merritt, Allen
Sent: Tuesday, October 29, 2002 4:40 PM
To: Keen, Shelley
Cc: Stanton, Jim
Subject: Permit 37-20718 in the name of Farnes

As we discussed in our phone conversation this day, I received a phone call from Brockway Jr. who is working with Lonnie Lavell on a protest of application 37-20726 in the name of West Magic Subdivision. Mr. Farnes was involved in developing both systems covered under 37-20726 and 37-20718.

37-20718 was data entered as in Blaine county and it was advertised in the Wood River Journal.

37-20726 was data entered as in Camas county and it was advertised in the Camas Courier.

37-20718 has been approved.

Brockway indicates that 37-20718 was incorrectly advertised since the point of diversion is in Camas County and if they would have been provided proper notice they would have protested it.

I have checked SDE and it appears that 37-20718 is in Camas County.

I told him I would have the SO look into options at this point.

MICROFILMED

FEB 10 2004



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 25, 2002

DON J FARNES
DORLA FARNES
PO BOX 207
SHOSHONE ID 83352

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-20718

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made 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 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, please contact the **Southern** Regional Office of the department in Twin Falls (208) 736-3033.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICHELLE
FEB 10 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 37-20718

Reviewed By: dgibson

Date: October 25, 2002

	<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.:		37-87-5-029
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		S024904, S025255	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		10/07/2002
Date proof due	-	09/01/2003
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	05/07/2002
New priority date	=	05/07/2002

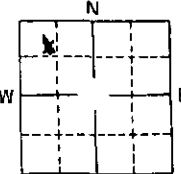
Deficiencies of Actions Items

Acknowledge proof.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

USE TYPEWRITER OR
POINT PEN

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name: <u>W. L. DORLA FARNES</u> Address: <u>BOX 207 SHOSHONE E.</u> Owner's Permit No. <u>37-87-5-029⁸⁵</u>	7. WATER LEVEL Static water level <u>42.5</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature <u>55</u> °F. Quality <u>G-001</u> Describe artesian or temperature zones below.																																																										
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☒ Pump ☐ Bailor ☐ Air ☐ Other _____ <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr> <td><u>40 GPM</u></td> <td><u>80'</u></td> <td></td> </tr> <tr> <td><u>30 GPM</u></td> <td><u>55'</u></td> <td></td> </tr> <tr> <td><u>25 GPM</u></td> <td><u>42.5'</u></td> <td></td> </tr> </tbody> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	<u>40 GPM</u>	<u>80'</u>		<u>30 GPM</u>	<u>55'</u>		<u>25 GPM</u>	<u>42.5'</u>																																															
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3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Bore Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th colspan="2">Water</th> </tr> <tr> <th>From</th> <th>To</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td><u>54</u></td> <td><u>0</u></td> <td><u>2</u></td> <td><u>top soil</u></td> <td></td> <td></td> </tr> <tr> <td></td> <td><u>2</u></td> <td><u>55</u></td> <td><u>clay</u></td> <td></td> <td></td> </tr> <tr> <td></td> <td><u>55</u></td> <td><u>65</u></td> <td><u>gray loam</u></td> <td></td> <td></td> </tr> <tr> <td></td> <td><u>65</u></td> <td><u>83</u></td> <td><u>hard blue siltstone</u></td> <td></td> <td></td> </tr> <tr> <td></td> <td><u>83</u></td> <td><u>87</u></td> <td><u>gray siltstone</u></td> <td></td> <td></td> </tr> <tr> <td></td> <td><u>87</u></td> <td><u>90</u></td> <td><u>yellow clay</u></td> <td></td> <td></td> </tr> <tr> <td></td> <td><u>90</u></td> <td><u>138</u></td> <td><u>loose rock & clay</u></td> <td></td> <td></td> </tr> <tr> <td></td> <td><u>138</u></td> <td><u>142</u></td> <td><u>hard gray siltstone</u></td> <td></td> <td></td> </tr> </tbody> </table>	Bore Diam.	Depth		Material	Water		From	To	Yes	No	<u>54</u>	<u>0</u>	<u>2</u>	<u>top soil</u>				<u>2</u>	<u>55</u>	<u>clay</u>				<u>55</u>	<u>65</u>	<u>gray loam</u>				<u>65</u>	<u>83</u>	<u>hard blue siltstone</u>				<u>83</u>	<u>87</u>	<u>gray siltstone</u>				<u>87</u>	<u>90</u>	<u>yellow clay</u>				<u>90</u>	<u>138</u>	<u>loose rock & clay</u>				<u>138</u>	<u>142</u>	<u>hard gray siltstone</u>		
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4. METHOD DRILLED ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☒ Cable ☐ Dug ☐ Other _____	RECEIVED OCT 29 1987 Department of Water Resources Southern Region Office																																																										
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table style="width:100%;"> <tr> <td>Thickness</td> <td>Diameter</td> <td>From</td> <td>To</td> </tr> <tr> <td><u>3/4</u> inches</td> <td><u>8 1/2</u> inches</td> <td><u>1</u> feet</td> <td><u>61</u> feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </table> Was casing drive shoe used? ☐ Yes ☒ No Was a packer or seal used? ☐ Yes ☐ No Perforated? ☐ Yes ☐ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches <table style="width:100%;"> <tr> <td>Number</td> <td>From</td> <td>To</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>61</u> Material used in seal: ☐ Cement grout ☐ Bentonite ☒ Pudding clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent ☐ Cemented between strata Describe access port <u>WELL CAP</u>		Thickness	Diameter	From	To	<u>3/4</u> inches	<u>8 1/2</u> inches	<u>1</u> feet	<u>61</u> feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	Number	From	To	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet																										
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6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name _____ Lot No. _____ Block No. _____ County <u>CAMAS</u> <u>NW 1/4 NW 1/4 Sec. 14, T. 2 N. R. 12 E.</u>	10. Work started <u>Oct 1-87</u> finished <u>OCT-20-87</u>																																																										
11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>D&G DRILLING</u> Firm No. <u>17</u> Address <u>Box 606 WENDELL</u> Date <u>OCT. 22-87</u> Signed by (Firm Official) <u>Dale C. Wilkerson</u> and _____ (Operator) <u>Dale C. Wilkerson</u>	MICROFILMED FEB 19 2004																																																										



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

September 12, 2002

DON J FARNES
DORLA FARNES
PO BOX 207
SHOSHONE ID 83352

RE: Permit No. 37-20718

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

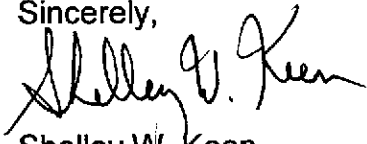
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened 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
OCT 17 2002

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, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

MICROFILMED
OCT 17 2002

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2002 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.

37-20718

**DON J FARNES
DORLA FARNES
PO BOX 207
SHOSHONE ID 83352**


**Deborah J. Gibson
Secretary**

**MICROFILMED
OCT 17 2002**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the 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 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.

MICROFILMED

OCT 17 2002

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.

Memorandum

To: File No. 37-20718

From: Deborah Gibson *dg*

Date: September 12, 2002

Re: Corrections to the application for permit

On September 9, 2002, Allen Merritt reviewed this matter before sending the file to the State Office and found that this application is for an existing subdivision supplied from an existing well. Based on the plat submitted the location of the well was changed to SENWNW instead of NENWNW. He created the application PD and PU in SDE based on the submitted plat, which is slightly different than the map created in ArcView by Stanton at the time of initial submission.

During my permit review of this application, I found that the location of the subdivision was in Camas County not Blaine County as the Application stated. The legal notice was published in the Wood River Journal, which is appropriate for Camas or Blaine Counties. Also, the point of diversion was in Lot 4 of the West Shore Acres Subdivision. Lot 4 is not part of the place of use because it will not be developed. The places of use are Lots 1-3 and 5-9.

RECEIVED

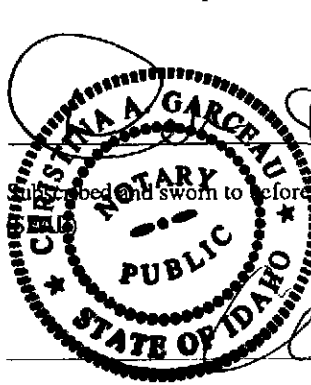
AUG 02 2002

Department of Water Resources
Southern Region

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

On this 24 day of July in the year 2002, before me a Notary Public of said State, personally appeared _____, known or identified to me to be the person whose name is subscribed to be 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. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and uninterrupted published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 17 day of July, 2002 and the date of the last publication was on the 24 day of July, 2002

 Christina A. Garreau
Subscribed and sworn to before me this 24 day of July, 2002
[Signature]
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 39
Number of Insertions 2

Lines tabular at _____ 7¢ / Pica
39 Lines straight at 1.47 6¢ / Pica

Subsequent lines at _____ 5¢ / Pica
TOTAL COST 60.77

COPY OF NOTICE
(Paste Here)Application for water
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

24620

PLAINTIFF

ID Dept. of Water Resources
BILL TOApplication for
water right

The following application has been filed to appropriate the public waters of the State of Idaho:

37-20718
DON J. &/or DORLA FARNES
PO BOX 207
SHOSHONE ID 83352
Point(s) of Diversion: NENWNW S11
T02S R17E; BLAINE County
Source: GROUND WATER
Use: DOMESTIC 01/01 To 12/31 0.08
CFS
Total Diversion: 0.08 CFS
Date Filed: 05/07/2002
Place of Use: DOMESTIC NWNW S11
T02S R17E

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 08/05/2002. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director

Publish: Wood River Journal—July 17 & 24, 2002.

Publication Rates
As of 1997
(Idaho code,
Rev. Statutes 1984)
7-8 pt./line straight: .06 / pica
7-8 pt./line tabular: .07 / pica
7-8 pt./line successive
insertion: .05 / pica

MICROFILMED

OCT 17 2002

13078

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033
Fax# : 736-3037

July 10, 2002

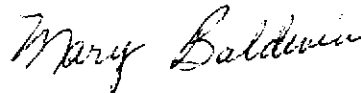
ATTN: Scott Kraus-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Dear Scott:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033. An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

MICROFILMED
OCT 17 2002

The following application has been filed to appropriate the public waters of the State of Idaho:

37-20718

DON J. &/or DORLA FARNES

PO BOX 207

SHOSHONE ID 83352

Point(s) of Diversion: NENWNW S11 T02S R17E; BLAINE County

Source: GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 05/07/2002

Place of Use: DOMESTIC NWNW S11 T02S R17E

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 08/05/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Wood River Journal on 7/17 & 7/24/02

MICROFILMED

OCT 17 2002



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 09, 2002

DON J. &/or DORLA FARNES
PO BOX 207
SHOSHONE ID 83352

RE: Applications for Permit: No. 37-20718 - domestic use/Blaine County and No. 37-20726 - domestic, commercial, irrigation/Camas County

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right applications. Please refer to the above referenced numbers in all future correspondence regarding these applications.

A legal notice of the applications has been prepared for publication on 7/17 & 7/24/02. No. 37-20718 will be published in the Wood River Journal and No. 37-20726 will be published in the Camas Courier. Submittal of protests to these applications will be allowed for a period ending ten days after the second publication. (August 5, 2002)

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 untested application is about eight weeks.

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

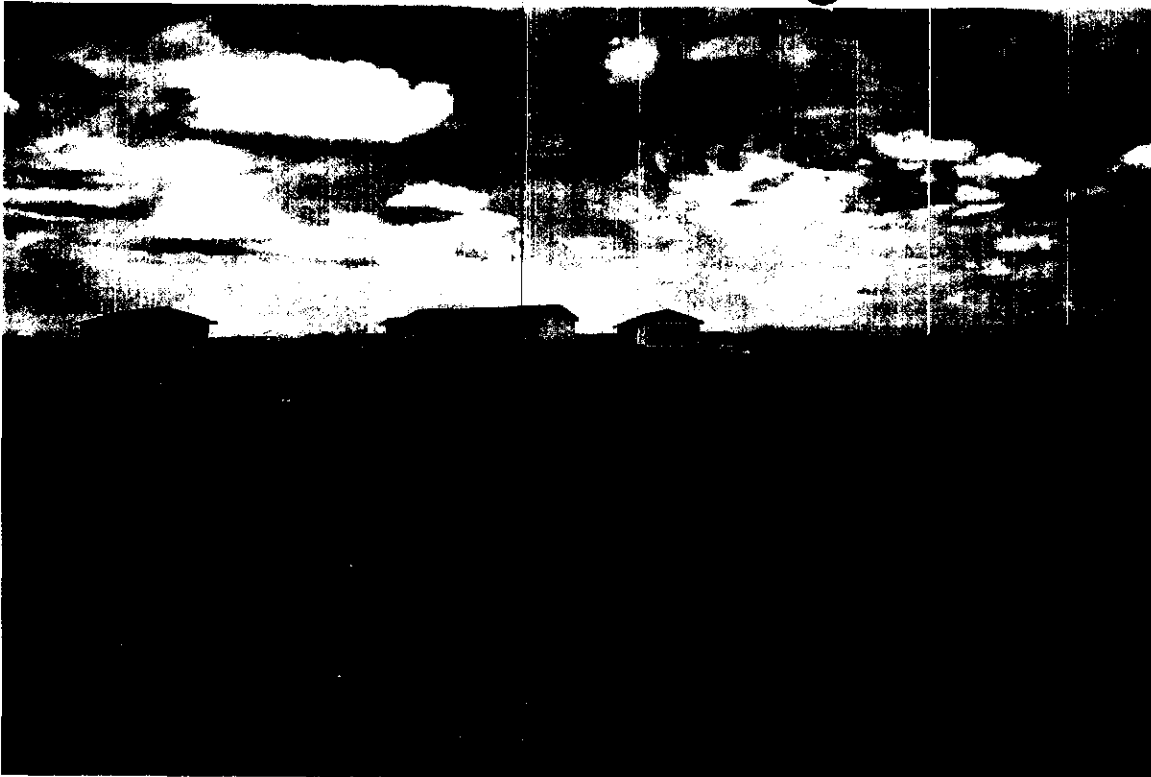
Sincerely,

Mary A. Baldwin
Administrative Assistant I

MICROFILMED

OCT 17 2002

37-20718



App 37-20718 Existing P/U Looking East From County Road
By J E Stanton April 2002



Subdivision Looking Southeasterly From County Road
By J E Stanton April 2002

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37-20718



37-20718 South End of Existing Subdivision
(Well In Small Yellow Building w/Wind Sock)
By J E Stanton April 2002

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OCT 17 2002

Form 238-7
7/94

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IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

**Use Typewriter
or
Ball Point Pen**

Department of Water Resources

1. DRILLING PERMIT NO. 37-96 - S-0029 - 000
Other IDWR No. _____

2. OWNER:

2. OWNER: Farnes, Don
Name _____
Address _____ P.O. Box 207
City _____ Shoshone State ID Zip 83352

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N

X			

E

Twp. 2 North ☐ or South ☒
Rge. 17 East ☒ or West ☐
Sec. 11 1/4 NW 1/4 NW 1/4
Govt Lot _____ 10 acres 100 acres
County Calaveras

Address of Well Site Cotton Wood Road
city Magic

(Give original name of road + Direction to Road or Landmark)

Tr. 4 Blk. 1 Sub. Name West Shore Acres

4. PROPOSED USE:

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

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Pentonite	0	20	12	Overbore

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) _____
Was drive shoe seal tested? Y ☐ N ☒ How? _____

X8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Uner	Welded	Threaded
6	+1 1/2	320	.250	Steel	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____

☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Line
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

Depth flow encountered _____ ft. Describe access port or control devices:

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
150			1 HR

Water Temp. _____ Bottom hole temp. 55° F or Less

Water Quality test or comments:

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

[illegible]

13. DRILLER'S CERTIFICATION

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

Firm Name Wood River Drilling Firm No. 265

Firm Official Ken Smith *Ken Smith* Date 5-15-96

and 5-15-66

Supervisor or Operator: Bob McHugh Date: 10/1/83
(Sign once if Firm Official & Operator)

FORMER MINUTE COPY TO WATER RESOURCES
MICROFILMED

903 7 2002

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

Static water level 85' feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☒ Plug NDUE
Temperature _____ °F Quality _____
Describe artesian or temperature zones below _____

☐ Pump ☐ Boiler ☒ Air ☐ Other _____

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
8-in	0	4	SLATE BASALT ? BOWLETON		
8-in	4	40	BASALT		
6-in	40	44	FRAGMENTED CONGLOMERATE		
6-in	44	100	SANDSTONE W/ LAVA		
6-in	100	200	CLAYING SLTSTONE		
6-in	200	324	DENSE BASALT		
6-in	324	355	RED SANDSTONE		
6-in	355	382	FRATURE BASALT SANDSTONE		

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

Firm Name WOOD RIVER DRILLING & PUMP 265
Address BOX 837 Date 6-30-93
BELLEVOUE, ID 83313
Signed by Drilling Supervisor Ken Smith
and Dorinda Wilson
(Operator) (if different than the Drilling Supervisor)

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

MICROFILMED

NO 17 2001

RECEIVED

APR 26 2002

Department of Water Resources
Southern Region

T 25 R 17E Sec 11