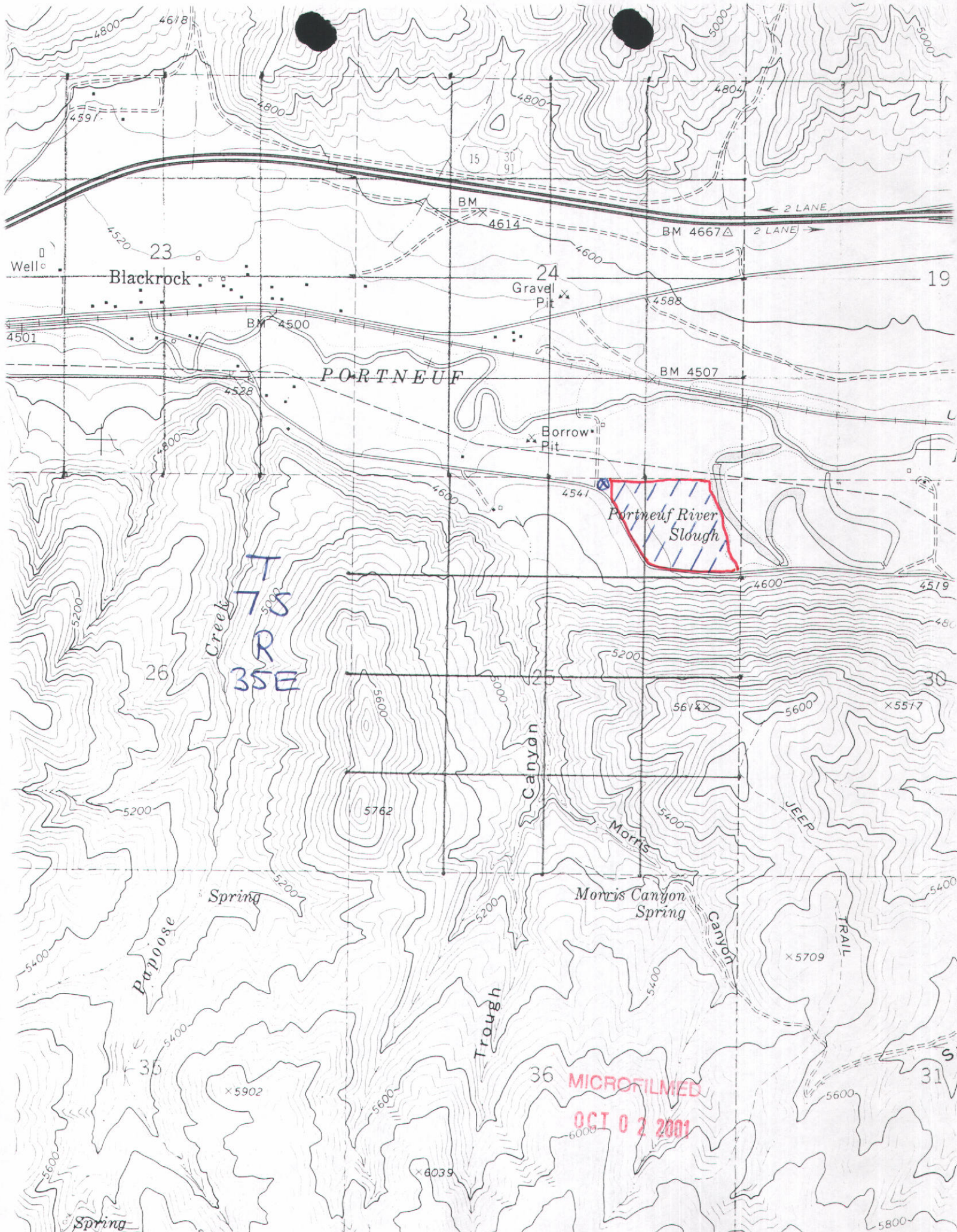




MICROFILMED
OCT 02 2001

24

1987

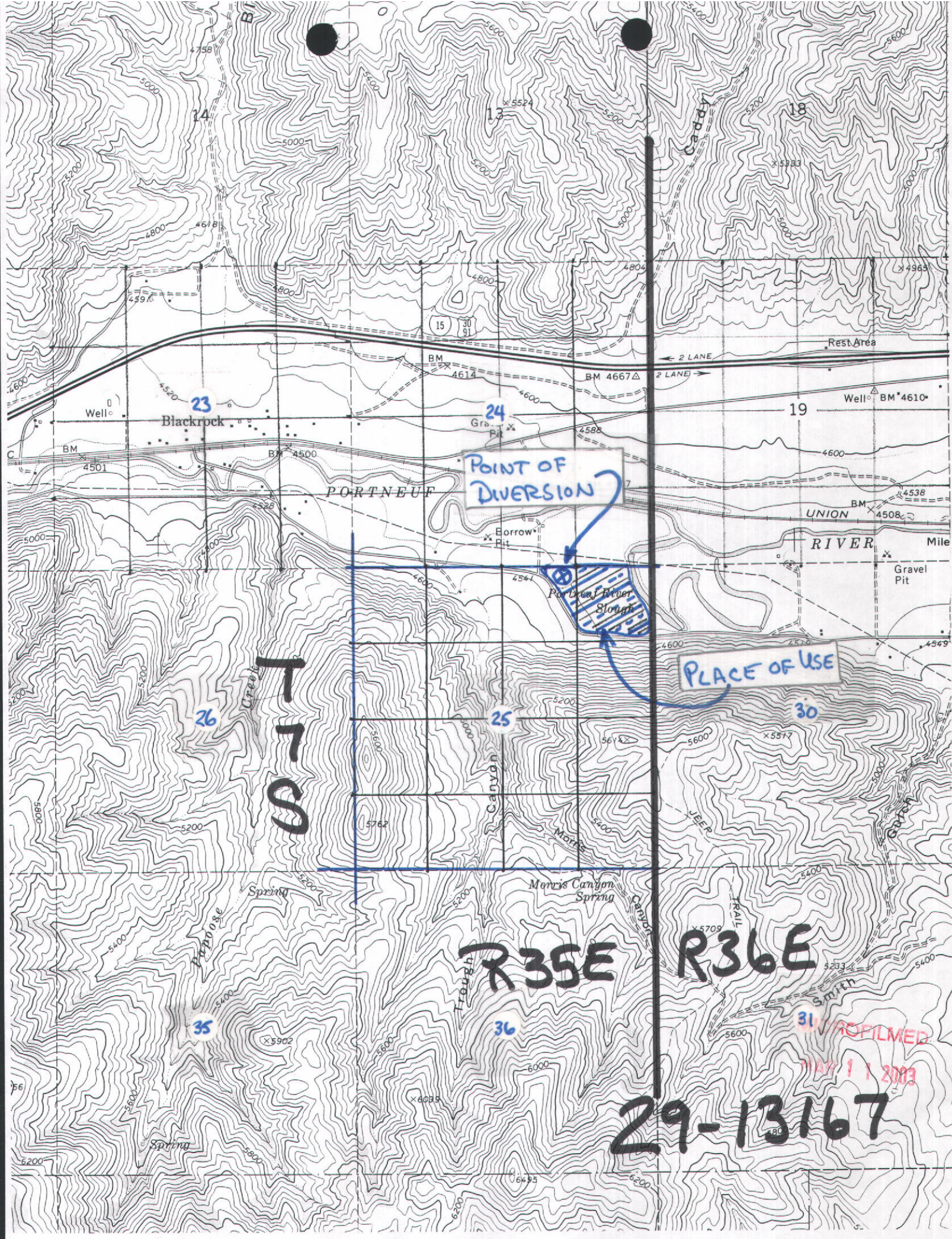
NAPP

Photo.

Hurst

25

MICROFILMED
CT 0 2 2001



POINT OF
DIVERSION

PLACE OF USE

T
7
S

R35E

R36E

311/REFILMED

MAY 11 2003

29-13167

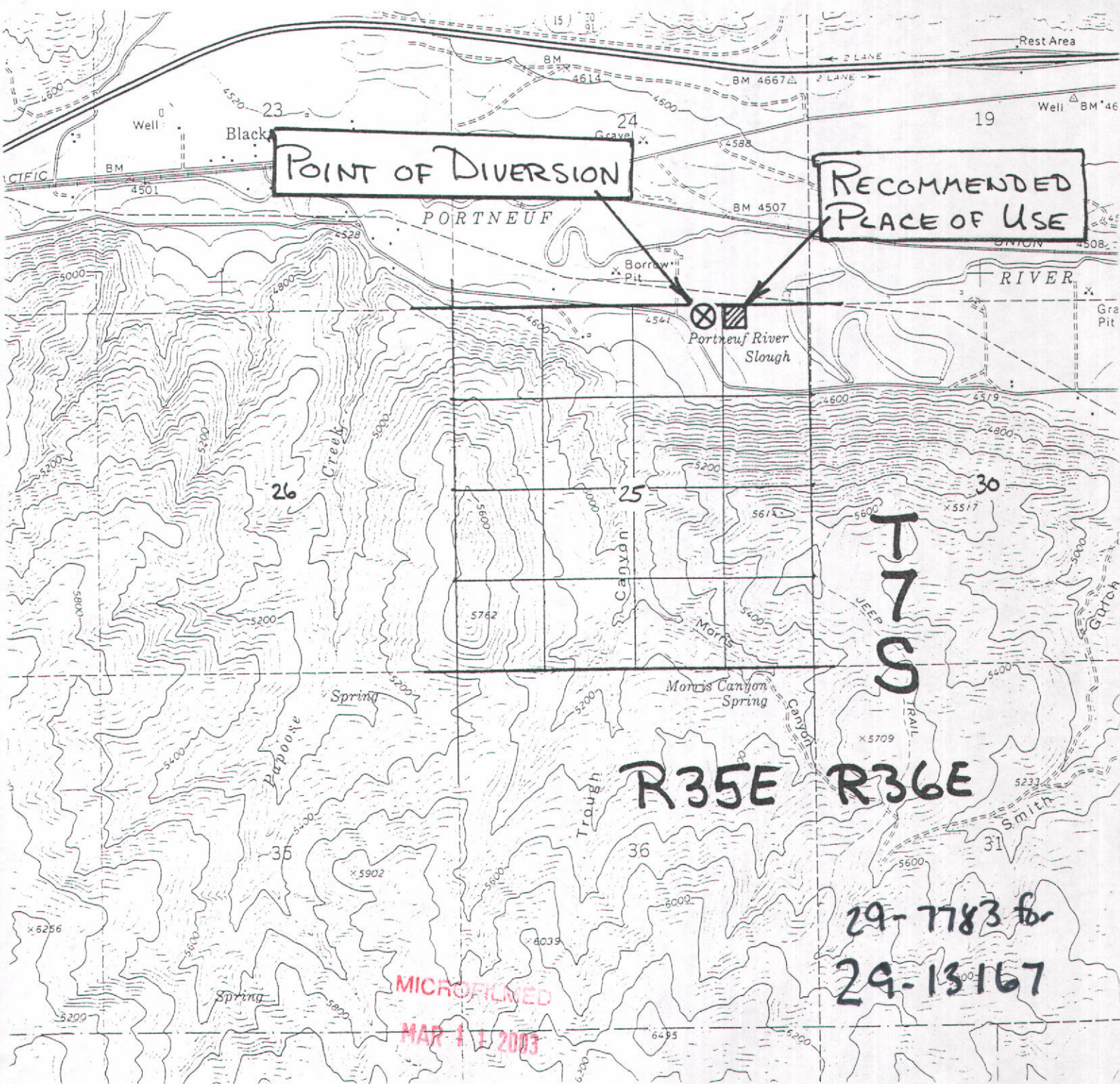


R35E

R36E

MICROFILMED
MAR 11 2003

29-13167



POINT OF DIVERSION

RECOMMENDED PLACE OF USE

PORTNEUF

RIVER

Portneuf River Slough

26

25

30

T
7
S

R35E

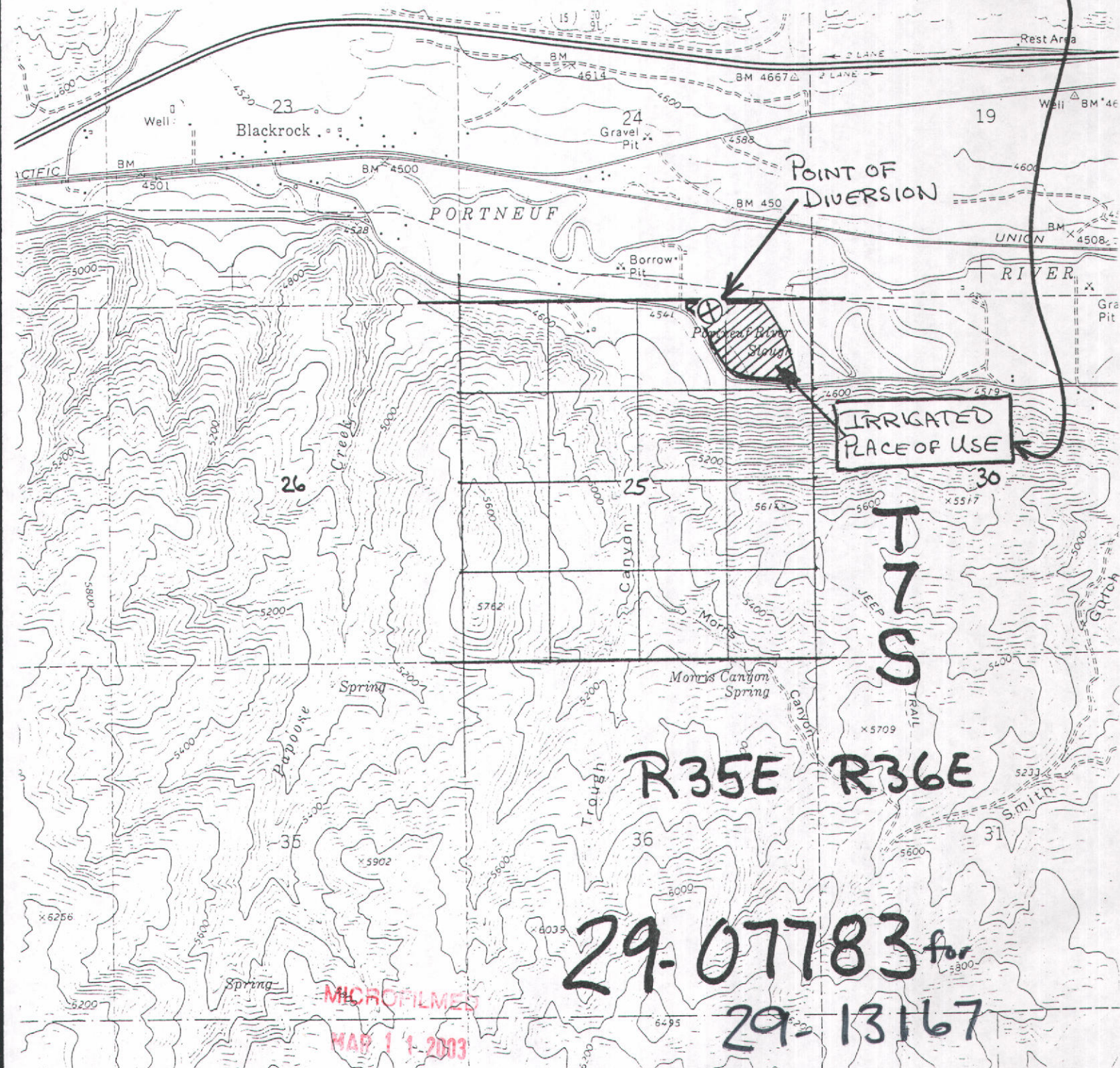
R36E

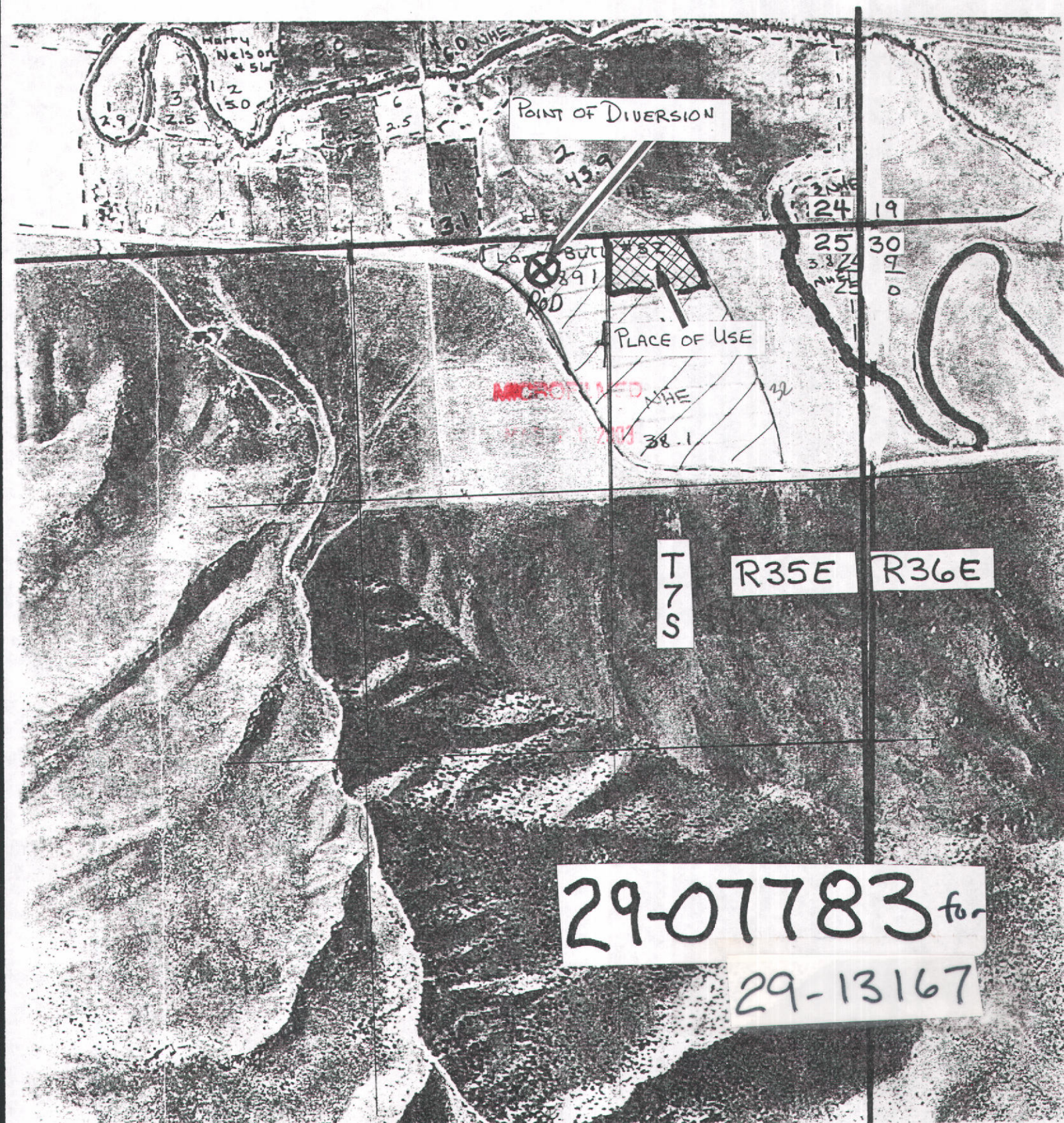
29-77836

29-13167

MICROFILMED
MAR 11 2003

IRRIGATED PLACE OF USE EXCEEDS THE PERMITTED
3 acres.







POD

29-07783 for

29-13167

MICROFILMED

MAR 11 2003

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-13167

Priority: May 24, 2001

Maximum Diversion Rate: 0.31 CFS

It is hereby certified that L M BULL Or BURNA DEAN BULL
5787 W PORTNEUF RD
POCATELLO ID 83204 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 24, 2001; and have
submitted Proof of Beneficial Use on October 9, 2001. An examination indicates that the works have a
diversion capacity of 0.37 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/01 to 10/31

DIVERSION RATE
0.31 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25, Twp 07S, Rge 35E, B.M., BANNOCK County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	35E	25	32.0	6.5															38.5

Total Acres: 38.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 35.5 acres within the place of use described above in a single irrigation season.
2. Right 29-07783 is also diverted through the point of diversion described above.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 154.0 af at the field headgate for the lands above.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
5. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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MAR 11 2003

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-13167

6. 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.
7. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 18th day of DECEMBER, 2002.


Acting for KARL J. DREHER
Director

MICROFILMED

MAR 11 2003

Amt. of Fee \$ 100.00
Receipt No. 0256793
Receipt By: [Signature]
Date Received: 10-9-01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

OCT 9 - 2001

Department of Water Resources

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.

- Permit No. 29-13167 Telephone No. 208-775-4582
- Name of Permit Holder(s): L.M. BULL - BURMA DEAN BULL
- Mailing Address: 5787 W PORTNEUF RD.
City POCATELLO State ID Zip 83204
- Source of Water: GROUND WATER - WELL If GROUNDWATER (well), Date Drilled: mo. MAY / yr. 1983
Well Driller: DAN MEU Drilling Permit Number: NO PERMIT NUMBER
DRILLED PRIOR TO 1986
- Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 38.5 Acres Other: _____
- Total rate of diversion and/or volume for which proof is submitted: 0.31 cfs OR _____ acre-feet
- 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 ☒
- Fee Enclosed: \$ 100⁰⁰ (See Fee Schedule on back of the instructions for filing proof of beneficial use)
- Person to contact to accompany the Department representative during field examination of the water system.
Name: L.M. BULL Telephone Number: 208-775-4582
Address: 5787 W PORTNEUF RD, POCATELLO, ID 83204
- 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: Lm Bull - owner Date: 10-2-2001
(include your title, if on behalf of company of organization)

MICROFILMED

OCT 9 2001

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 29-13167

Priority: 05/24/2001

Maximum Diversion Rate: 0.31 CFS

This is to certify, that L M BULL
5787 W PORTNEUF RD
POCATELLO ID 83204

Or

BURNA DEAN BULL
5787 W PORTNEUF RD
POCATELLO ID 83204

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	0.31 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25, Twp 07S, Rge 35E, B.M. BANNOCK County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	25	32.0	6.5															38.5

Total Acres: 38.5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before February 1, 2002.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. 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.

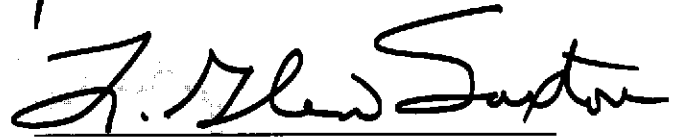
OCT 02 2001

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 29-13167

CONDITIONS OF APPROVAL

7. This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
8. This right does not authorize the irrigation of land not previously irrigated.
9. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
10. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
12. This right is limited to the irrigation of 35.5 acres within the place of use described above in a single irrigation season.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of September, 2001.


for KARL J DREHER, Director

MICROFILMED

OCT 02 2001

2/96 RECEIVED

JUL 18 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 24-13161

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant L.M. or Burna Dean Bull Phone 208-775-4582
Mailing address 5787 W. Portneuf Rd. Pocatello, ID 83204
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 7S Range 35E Sec. 25 in the NE 1/4, NW 1/4, NE 1/4, Govt. Lot _____, B.M., Bannock County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.82 for Irrigation purposes from 4/01 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.82 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source Well & pump to
irrigation sprinklers
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is 8 inches; proposed depth of well is 200 feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? 1983; Drilling firm Dan Neu;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in kW.
b. Stockwatering; list number and kind of livestock.
c. Municipal; show name of municipality.
d. Domestic; show number of households.
e. Other; describe fully. _____

MICROFILMED
OCT 02 2001

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

[illegible]

10. Describe any other water rights used for the same purposes as described above. License 29-07783

on adjacent 3 acres

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: This is a pre-1987 development and I inadvertently
put down the wrong acreage on previous license 29-07183.
The whole farm should have been included.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Signature of Applicant (and title, if applicable)

MICROFILMED

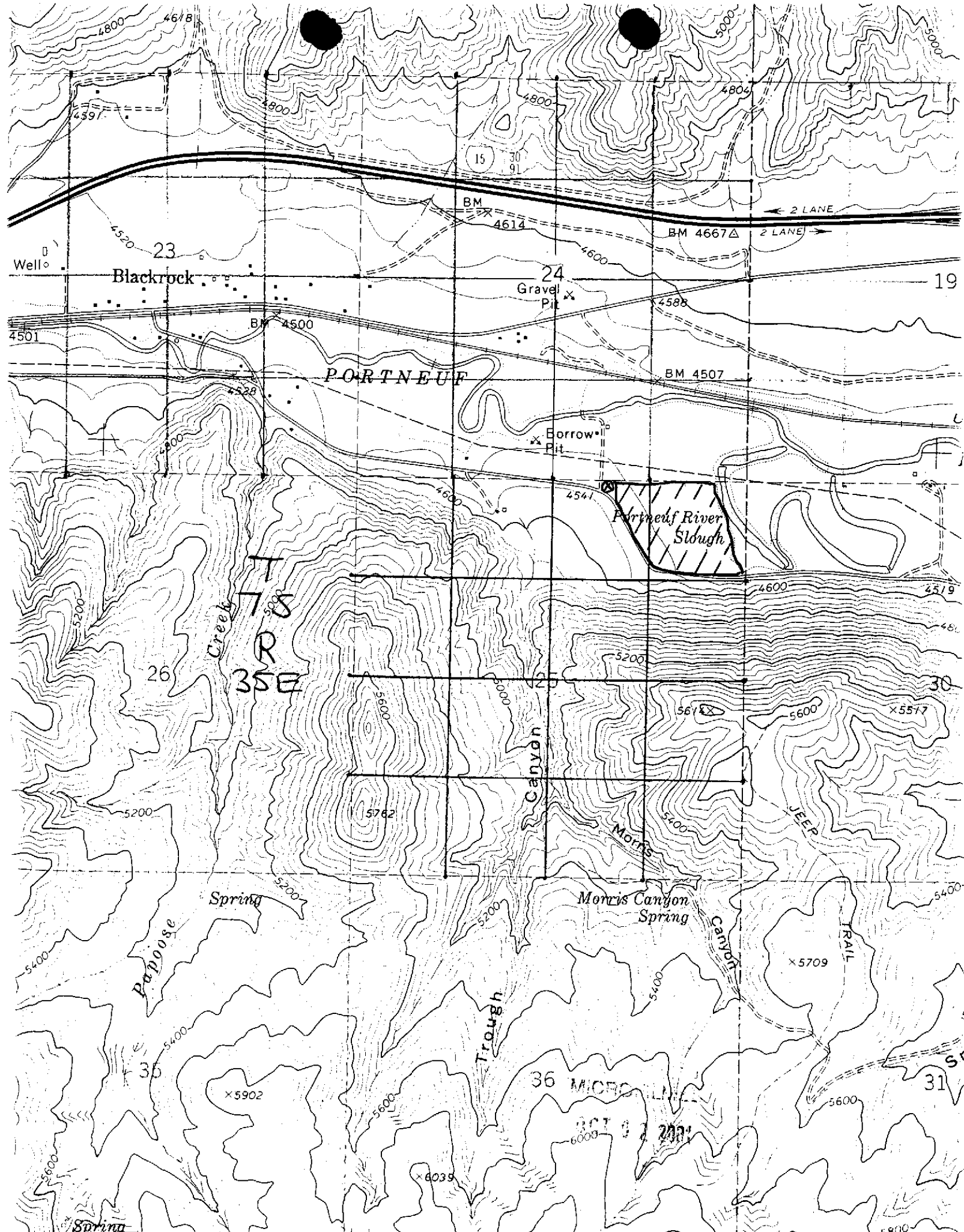
le) OCT 9 2 2007

Received by HWS Date 5-24-01 Time _____ Preliminary check by _____

Fee \$ 250.00 Received by HWT # EO26744 Date 5-24-01

Publication prepared by SL Date 6/7 & 6/14/01 Published in Tampa Statesman

Publication approved SL Date 4/18/01



24

25

1987

NAPP

Photo.

Herd

MICROFILMED
CT 9 2 2000

RECEIVED

JUL 13 2001

Department of Water Resources
Eastern Region

5787 W Portneuf Rd
Pocatello, ID 83204

Mr. Harold Jones
Department of Water Resources
Eastern District Office
900 N. Skyline Dr
Idaho Falls, ID 83402-1718

Dear Mr. Jones,

Attached are affidavits from people that live in the area near my irrigation project.

If you need any additional information please contact me.

Sincerely,



L. M. Bull

MAILED
OCT 9 2 2001

To: Department of Water Resource

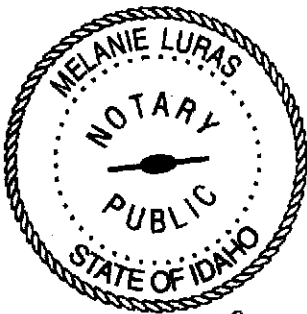
Re: NE ¼ NE ¼ of Sec 25 7S-35 E And 6 ½ acres in NW ¼ NE ¼ sec 25 7S 35E

I have been a neighbor of Larry Bull for the past 23 years. In 1983 I observed that Mr. Bull drilled a well on the above mentioned property. The well was used to irrigate the property.

I sold to Mr. Bull two 4 inch McDowell handlines. Price was \$800 per line. The lines were used in the irrigation of the property and the property has been irrigated since 1983.

Marc J Barron
3440 W. Portneuf Rd.
Inkom, Idaho

Marc J Barron
3440 W Portneuf Rd
Inkom, Idaho 83245



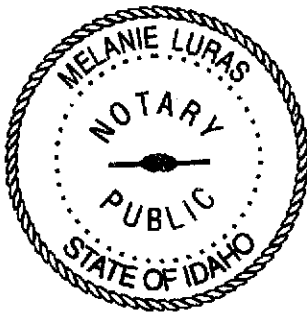
Melanie Luras
expires: 2-28-07

NOTARY PUBLIC
2007

To: Department of Water Resource

Re: NE ¼ NE ¼ of Sec 25 7S-35 E And 6 ½ acres in NW ¼ NE ¼ sec 25 7S 35E

This document is to certify that I have been a neighbor to Larry Bull for the last 23 years. In 1983 I observed that Mr. Bull drilled a well on the above mentioned property. An underground mainline was constructed and the entire property has been irrigated since the well was drilled.



Melanie Luras
expires: 2-28-07

Morris J Dayley

Morris J Dayley
6919 W Portneuf Rd
Pocatello, Idaho 83204

MOJO...
901 9 2 283

To: Department of Water Resource

Re: NE ¼ NE ¼ of Sec 25 7S-35 E And 6 ½ acres in NW ¼ NE ¼ sec 25 7S 35E

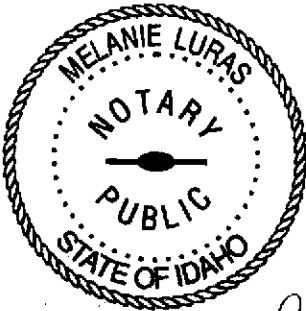
In 1983 I worked for Dan Neu Pump Co. Mr. Neu drilled a well for Mr. Bull on the above mentioned property. I personally constructed an underground mainline, which has been used to irrigate the property. The well was approximately 200 feet deep and the pump was set at approximately 170 feet.

I do not know the cost of the well, pump and casing, however the ¼ mile of underground mainline would be approximately 3.00 per foot for a total of \$4000.00.

To the best of my knowledge, Mr. Bull has been irrigating the property since 1983.

Matthew L. Nielsen
Matthew L. Nielsen

Matthew L. Nielsen
Pumpco
American Falls, ID



Melanie Luras
expired 2-28-07

NOT 02 2006



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 18, 2002

L M BULL
BURNA DEAN BULL
5787 W PORTNEUF RD
POCATELLO ID 83204

RE: License No. 29-13167 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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,

Shelley W. Keen

Water Rights Supervisor

SWK:klr

Enclosure(s)

MICROFILMED
MAR 11 2003

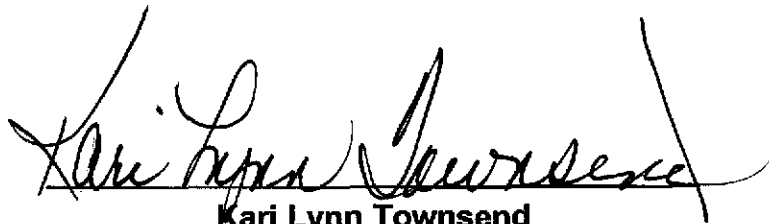
CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

29-13167

**L M BULL
BURNA DEAN BULL
5787 W PORTNEUF RD
POCATELLO ID 83204**

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

**Kari Lynn Townsend
Secretary**

**MICROFILMED
MAR 11 2003**

**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).

MICROFILMED
MAR 11 2003

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.

LICENSE REVIEW CHECKLIST

Permit No. 29-13167

Date: 12-16-02 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): 29-7783

File reviewed Profile reports printed ✓

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.31 cfs

Fee Limit 1.0 cfs

Measured 0.37 cfs

Theoretical cfs

Recommended Total Diversion Rate 0.31

Water Uses OK

Change (P46)

Season of Use per new Standards

4-1 10-31

Irrigation 0.31 cfs 132.0 af

Stockwater cfs af

Domestic cfs af

 cfs af

 cfs af

Total 0.31 cfs 132.0 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

0.31 cfs x 1.9835 x 214 days = 131.6 af

(vs) 35.5 acres x 4.0 (FHR) = 142.0 af

0.37 x 1.9835 x 214 = 157.6 132.

38.5 x 4.0 (corr) = 154.0

Remarks:

Additional Conditions

Watermaster Control

GW Measurement/Measuring Device

Other

Trust R55 - remove 051)

Non-trust (048)

GW Dist?

Water Msmt. Dist?

Crit. GWMA?

GWMA?

Government Lots?

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim? NO

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

S06

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-7783

WATER RIGHT NUMBER: 29-7783

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	L M BULL 5787 W PORTNEUF RD POCATELLO, ID 83204 (208) 775-4582
Current Owner	BURNA DEAN BULL 5787 W PORTNEUF RD POCATELLO, ID 83204 (208) 775-4582

Priority Date: 04/22/1985

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.060 CFS	
STOCKWATER	10/01 to 05/01	0.070 CFS	
<u>Total Diversion:</u>		0.130 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4NE1/4	Sec. 25, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	25	19.0	7.0															26.0

Total Acres: 26

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	25	X	X															

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-7783

1. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
2. 105 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 10.5 af at the field headgate for the 3 acres authorized to be irrigated under this right.
5. X02 Stockwater use is for 400 range cattle.
6. X27 This right is limited to the irrigation of 3 acres within the place of use described above in a single irrigation season.

Remarks:

1. Use of water for stockwater purposes under this right is limited to 3.1 af per year.

Comments:

1. SKEEN 3/15/2001 License Review

Comment: Licensing review was conducted by Shelley Keen on 3/15/2001. Volume and number of cattle were increased from the examiners recommendation because one home and 1.2 afy were not developed. The digitized place of use was 26 acres, not 38 acres.

Dates and Other Information:

Licensed Date:
 Decreed Date:
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector: Or
 Water District Number:
 Generic Max Rate Per Acre: 0.02
 Generic Max Volume Per Acre: 3.5
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

OCT 29 2001

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 29-13167

1. Owner: L.M. or Burna Dean Bull Phone No. 208 775-4582

Current Address: 5787W Potneuf Rd, Pocatello, ID 83204

2. Accompanied by: L.M. Bull (For 29-7783) EXAM DATE: 10-22-2001

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 29-07783

2. Other water rights with the same point of diversion: 29-07783

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	NW	NE	25	7S	35E	Bannock	FSA Aerial / on site for 29-7783

2. Place(s) of Use:

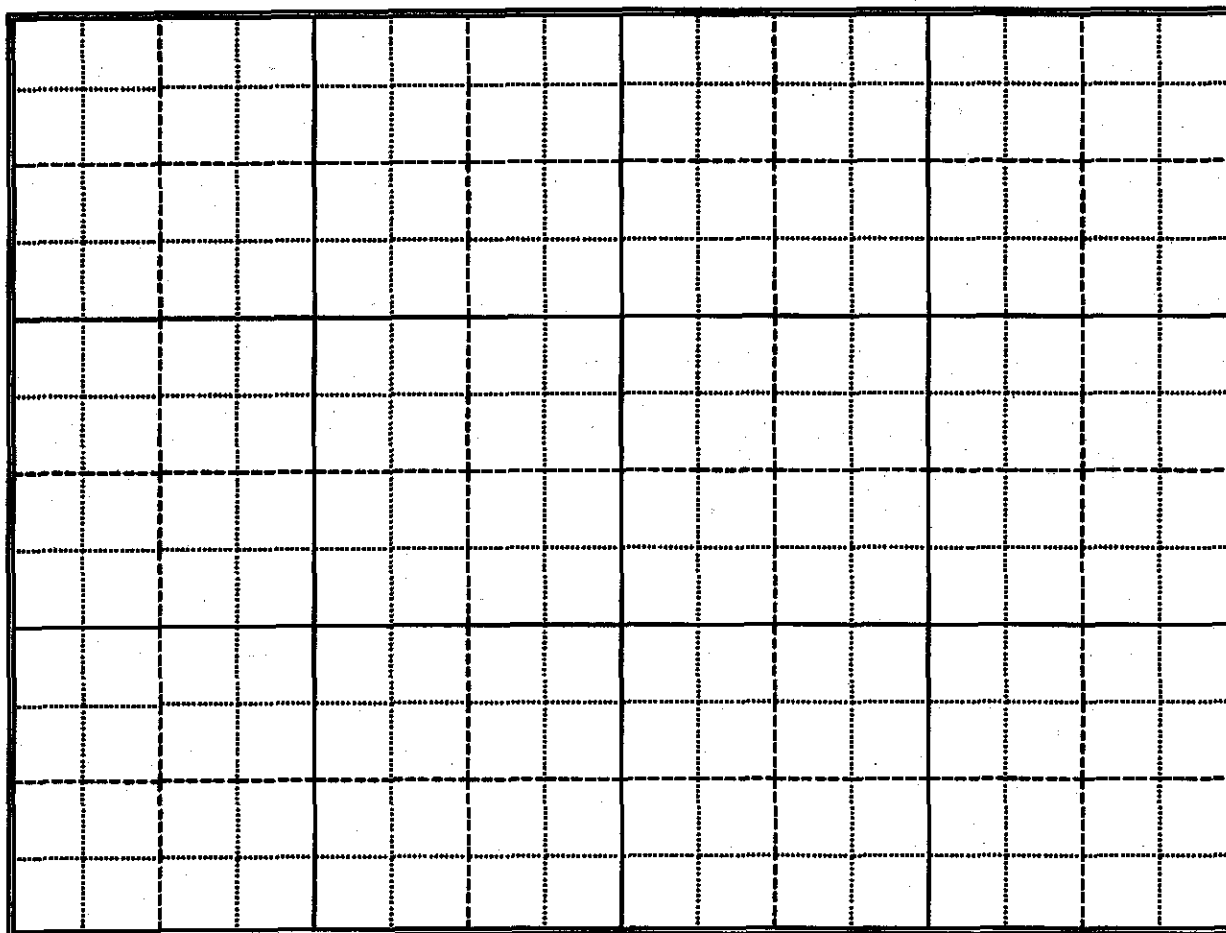
Indicate Method of Determination ON SITE FOR 29-7783

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	35E	25	32	6.5															38.5
Recommended																			
7S	35E	25	29	6.5															35.5

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MAR 17 2003

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4. From Exam for 29-7763

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Jacuzzi	7 1/2	-		

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

D. FLOW MEASUREMENTS

1. From Exam for 29-7763

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Sonic	Sonic	Fuji	FLC-S 6011	7K0089TB 7240333		

2. Measurements: 4" dia AL. 0.51 Thickness 5mm Laplace time 826 gal 166 gpm observed

MICROFILMED

MAY 11 2003

Well to portable mainline to hand line 30 birds were running at time.
Pasture ran downhill from well location helping the flow rate of this system.

Polyseniz showed 82 legal in 5 min or 165.2 gpm. Nozzels were rated @
4 gpm according to Mr. Bull.

Mr. Bull runs 200-400 head of cattle 3 months of the year.
The domestic has got to be built. Plans are still to build a home
on this place, but no domestic development has begun.

29-7783 are for 3 acres under this place close

Have conditions of permit approval been met? ☒ yes ☐ no

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MAR 11 2003

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$Q = 82 \text{ gal} / 5 \text{ min} = 16.4 \text{ gpm} / 448.8 = 0.37 \text{ cfs} \quad \text{Total capacity}$$

Total capacity Lic 29-7783

$$Q = 0.37 \text{ cfs} - 0.06 \text{ cfs} = 0.31 \text{ cfs}$$

Recommended = 0.31 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 35.5 \text{ ac} (4) = 142.0$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.31 (214) 1.9835 = 131.6$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 131.6$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/1	10/31	0.31 cfs	131.6
Totals:			0.31 cfs	131.6 afa

2. Recommended Amendments

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

I. AUTHENTICATION

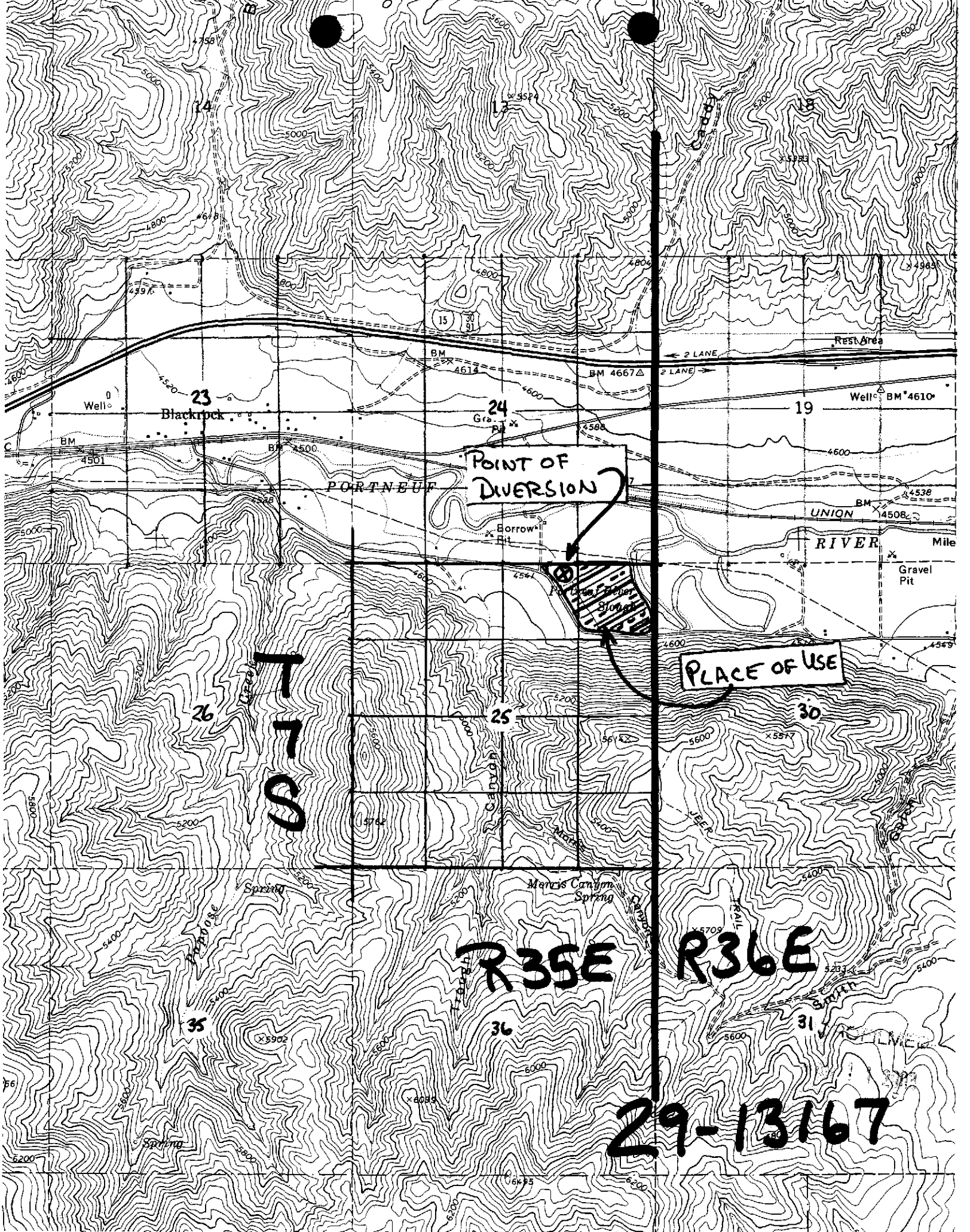
Field Examiner's Name

Kent C. White Date 10/23/2001

Reviewer

Date

MICROFILMED
MAR 1 2003



T
7
S

25

R35E

R36E

MICROFILMED

SEP 1 1 2003

29-13167

Memorandum

TO: Shelley Keen

February 21, 2001

FROM: Keith C. Wilson

RE: Field Examination

Irrigation:

Field examiner observed irrigation of $\approx$ 38.1 acres from the groundwater source.

Permit is for 3 acres of irrigation

NAPP aerial photo indicates that more acres than the 38.1 acres may have been irrigated.

No other groundwater rights have been filed on this place of use.

The only other "water right" on the place of use is 29-02042 from Tough Canyon (aka Martin Canyon). Transfer T#3253/29-02042 filed to change the source to the Portneuf River. The application was withdrawn. Problems associated with transfer (a.) non-use because of the undependable water supply and, (b.) enlargement of right.

Note:

What was attempted in transfer #3253/29-02042 in 1986, appears to be reflected in the SRBA Claim A29-02042.

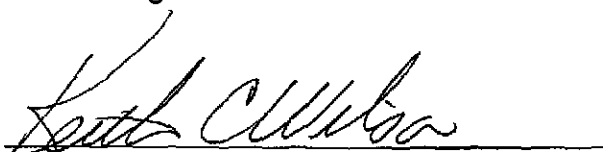
Domestic:

No domestic has been developed

A realtor contacted me about subdividing this property. (Owner may be contemplating selling the place of use under this permit.)

Recommendation:

1. A Cease & Desist should be issued instructing the permit holder to irrigate only 3 acres under this permit.
2. Resulting license should be for irrigation of only 3 acres & stockwater for 300 head of range cattle.



Keith C. Wilson
Senior Resource Agent

MICROFILMED
MAR 11 2003

29-07783-
29-13167

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-7783

WATER RIGHT NUMBER: **29-7783**

Owner Type Name and Address
 Current Owner L M or BURNA DEAN BULL
 5787 W PORTNEUF RD
 POCA TELLO, ID 83204
 (208) 775-4582

Priority Date: 04/22/1985

Basis: License

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.060 CFS	
STOCKWATER	10/01 to 05/01	0.070 CFS	
		<u>Total Diversion:</u>	0.130 CFS

Location of Point(s) of Diversion

GROUND WATER NE1/4NW1/4NE1/4 Sec. 25, Twp 07S, Rge 35E, B.M.
 BANNOCK County

Place of Use IRRIGATION & STOCKWATER (Same as for irrigation)

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 35E 25	19.0	7.0															26.0

Total Acres: 26

Conditions of Approval:

- 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
- 105 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
- R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Remarks:

- General Stockwater use is for 400 range cattle.
- General This right is limited to the irrigation of 3 acres within the place of use described above in a single irrigation season.
- General This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 10.5 af at the field headgate for the 3 acres authorized to be irrigated under this right.
- Use of water for stockwater purposes under this right is limited to 3.1 af per year.

Comments:

- SKEEN 3/15/2001 License Review
 Comment: Licensing review was conducted by Shelley Keen on 3/15/2001. Volume and number of cattle were increased from the examiners recommendation because one home and 1.2 afy were not developed. The digitized place of use was 26 acres, not 38 acres.

(COPY FOR FIELD EXAM)

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29-13167

MAR 11 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 29-07783

1. Owner: L.M. or Burna Dean Bull Phone No. 775-4582

Current Address: 5787 West Portneuf Road, Pocatello, ID 83204

2. Accompanied by: L.M. Bull EXAM DATE: 7-5-00

Address: _____ Phone No. _____

Relationship to Permit Holder: Same

3. Source: Well - Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: Yes

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Aerial

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks

2. Place(s) of Use:

Aerial

Indicate Method of Determination

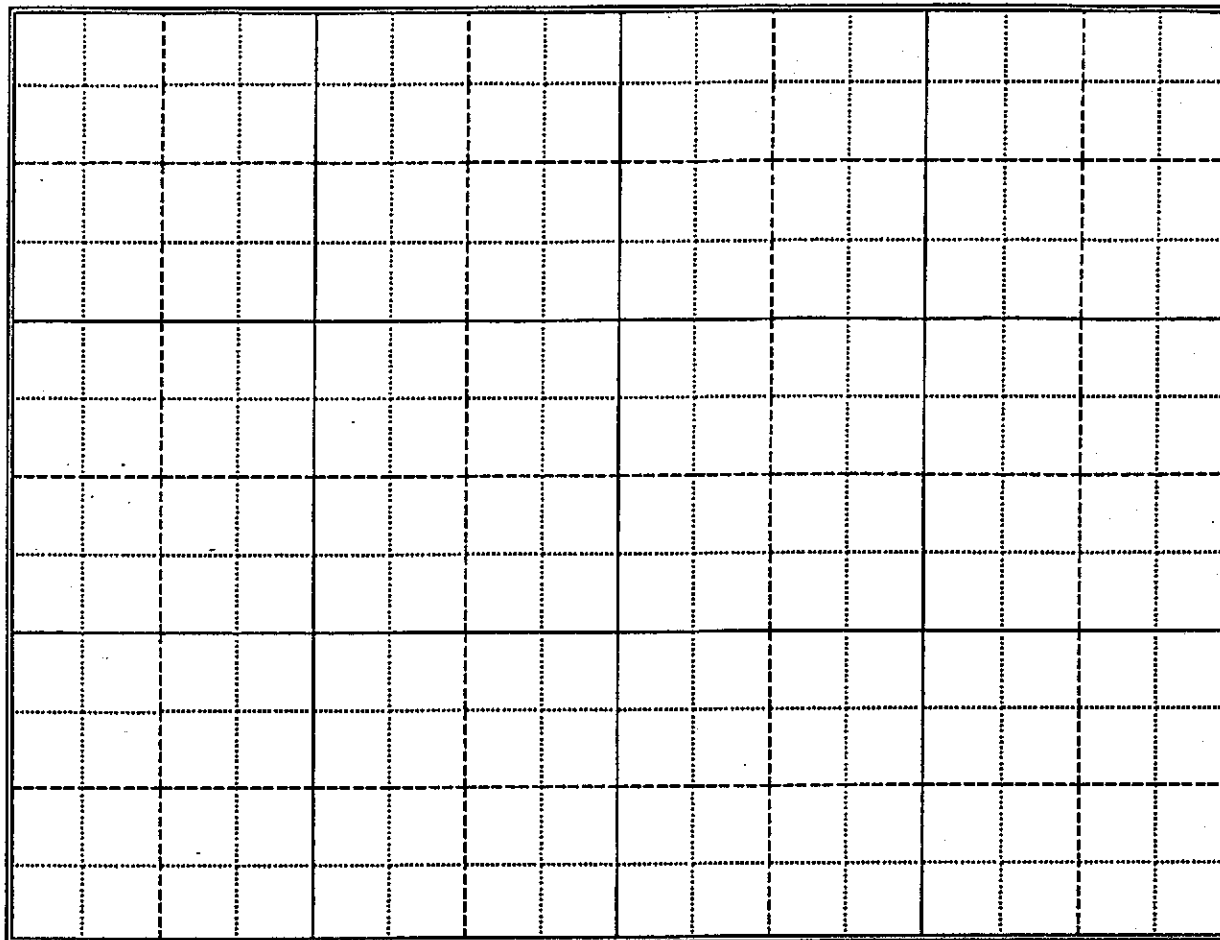
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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MAR 11 2003

29-7783 for
29-13167

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Jacuzzi	7½			

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Polysonic		Fuji				

2. Measurements: dia 4 Alum thickness .051
 5 min lapse time 826 gallons 166 gpm observed
 MICROFILMED 29-7783 for
 29-13167
 MAR 11 2003

Well to portable mainline to handline. 30 birds were running at time. Pasture ran downhill from well location helping the flow rate of this system. Polysonic showed 826 gallons in 5 minutes time, or 165.2 gpm. Nozzels were rated at 4 gpm when new according to Mr. Bull.

Mr. Bull runs 200-400 head of cattle 3 months of the year here. The domestic has yet to be built. Plans are still to build a home on this piece, but no domestic development has begun.

The POV is far larger than three acres. Canal rights also exist for this site. Mr. Bull didn't know what three acres the permit was for. We will have to word it to be three out of the existing 38+ acres outlined on the aerial photo.

* IRRIGATION OF MORE THAN PERMITTED 3 ACRES

Have conditions of permit approval been met? ☐ yes ☒ no*

MICROFILMED

MAR 11 2003

29-7783 fo.
29-13167

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

$$Q = \frac{826 \text{ gal}}{\text{min}} = \frac{165.2 \text{ gpm}}{448.8 \text{ gpm/cfs}} = 0.37 \text{ cfs}$$

$$Q_{\text{LIMITED TO}} = 0.02 \text{ cfs/acre} \cdot 320 \text{ acres} \times 0.02 \text{ cfs/acre} = 0.06 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{\text{I.R.}} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 300 \text{ acres} (4) = 12 \text{ afe}$$

$$V_{\text{D.R.}} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.06 \text{ cfs} (214) 1.9835 = 25.5$$

$$V = \text{Smaller of } V_{\text{I.R.}} \text{ and } V_{\text{D.R.}} = 12.0 \text{ afe}$$

2. Volume Calculations for Other Uses:

$$V_{\text{Stock}} = 300 \times 0.0134 = 4.0 \text{ afe} \left(\frac{213}{365 \text{ days}} \right) = 2.3 \text{ afe}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afe)
	From	To		
IRRIGATION	4/1	10/31	0.06 cfs	12.0 afe
Stockwater	10/1	5/1	0.07 cfs	2.3 afe
Totals:			0.13 cfs	14.3 afe

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name Keith C Wilson Date 2/21/2001

Reviewer _____ Date _____

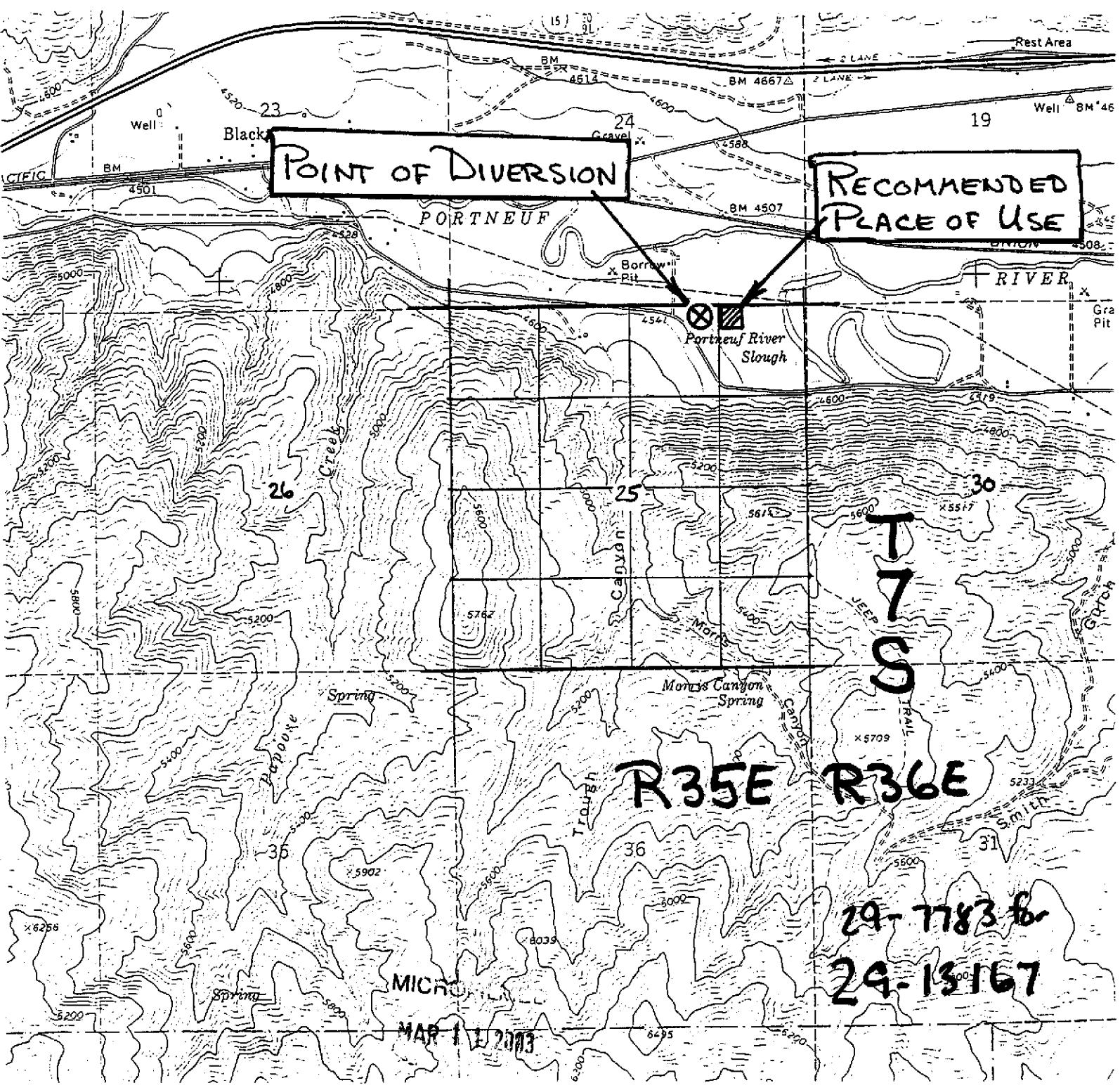
29-7783 for

SEAL

29-13167

MICROFILMED

MAR 11 2003



POINT OF DIVERSION

RECOMMENDED PLACE OF USE

R35E R36E

T7S

29-77836
24-13167

MAR 1 1983



POINT OF DIVERSION

PLACE OF USE

T
7
S

R35E R36E

29-07783 for

29-13167



POD

29-07783for

29-13167

MICROFILMED

MAR 11 2003



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 12, 2001

L M BULL
BURNA DEAN BULL
5787 W PORTNEUF RD
POCATELLO ID 83204

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-13167

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 Eastern Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

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OCT 19 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 29-13167

Reviewed By: dgibson

Date: October 11, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		E026744, C056793	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	10/09/2001
Date proof due	- 02/01/2002
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 05/24/2001
New priority date	= 05/24/2001

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

September 27, 2001

L M BULL
BURNA DEAN BULL
5787 W PORTNEUF RD
POCATELLO ID 83204

RE: Permit No. 29-13167

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.

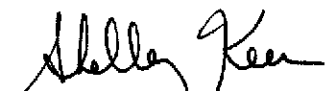
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

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OCT 02 2001

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

OCT 02 2001

CERTIFICATE OF MAILING

I hereby certify that on September 27, 2001 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. 29-13167

**L M BULL
BURNA DEAN BULL
5787 W PORTNEUF RD
POCATELLO ID 83204**

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

**Kari Lynn Townsend
Secretary**

MICROFILMED

OCT 02 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

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

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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OCT 02 2001

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
OCT 02 2001



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

August 2, 2001

LM OR BURNA DEAN BULL
5787 W PORTNEUF RD
POCATELLO ID 83204

RE: Application for Permit 29-13167

The above referenced application for permit requested 0.82 cfs for irrigation of 38.5 acres. The current moratorium on new development within the Eastern Snake Plain Aquifer would typically have prevented us from taking action on your application. However, since your irrigation system was constructed and water was put to beneficial use prior to 1987, the application was advertised and is being reviewed for approval. There are a couple of items that I need to bring to your attention prior to our approving the application.

The field examination for a previous permit, No. 29-7783, confirmed the irrigation of 38 acres occurring from the well located in the NENWNE, Section 25, T7S, R35E. The examiner found your diversion system pumping 0.37 cfs. A theoretical calculation based on the horsepower of your pump also indicates a maximum capacity of approximately 0.34 to 0.37 cfs. The license issued for right 29-7783 is for 0.06 cfs, thus 0.31 cfs remains to be permitted under 29-13167. We cannot approve the permit for 0.82 cfs as requested in the application because the permit can only recognize development that took place before 1987; in this case, we will use the data obtained in the July, 2000 field examination as our basis for development.

Therefore, the permit will include a total place of use of 38.5 acres but since the previous license covers 3 acres within that place of use, a condition will be used to limit the permit to the irrigation of 35.5 acres within that total.

I will hold this application in my office for 10 days to allow you to respond if you have questions or do not agree with the information stated above. If I do not hear from you within that 10-day period, a permit will be prepared for approval based on the information I provided above.

Sincerely,

Sharla Curtis
Sr. Water Resource Agent

MICROFILMED

OCT 02 2001

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 7/19/01

No. 29-13167 Name: Bull Corp. Officers N/A Ad ok ☒ Govt Lots

AREA OF CONCERN: No/Yes SR Moratorium GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
≥ 0.24 cfs/5 acres - 067

~~WMD~~

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121

Trust - 051 (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB5
PLANNING REVIEW/RESPONSE
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WD

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

SNAKE R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
PAYETTE R (65) - W23, 047 (Payette Lake)
SALMON R (70's) - 029 (fish screens)
WEISER R (67) - 086-087

USES:

MUNICIPAL

Restricted area - 022,075
Irr., GW supp to SW - 102
Future needs - 007,109

FISH PROP

- 029 (70's only)-007-042-106

DOMESTIC

Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
i.e. D/convenience store)

BENEFICIAL USE DUE: 12 / 01 / 2001

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

Multiple pd's per ¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON 4/1 - 10/31 (Per updated map)

IRR VOLUME/ACRE 4.0

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

RECEIVED

JUL 18 2001

Pre-1987 applic - include Remarks in advertising

Department of Water Resources

Dist. for staffing _____
Submitted for advertising _____

Form No. 202

4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS PERMIT

Bull
INITIAL REVIEW BY HWT DATE 5-24-01 APPLICATION NO. 29-13167
#69162

REQUIRED INFORMATION

- ☒ 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 and/or volume)
☒ County
☒ Quantity (flow and/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 signatory is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion
Yes ☒ No ☐ Field check required
Field check by _____
Yes ☐ No ☐ Field report attached
Yes ☐ No ☐ Critical groundwater area
Yes ☐ No ☐ Groundwater management area
Yes ☐ No ☐ Send dam safety information
Yes ☐ No ☐ Send power requirement letter
Yes ☐ No ☐ Send fish farm requirement letter
Yes ☐ No ☐ Power residency affidavit
Yes ☐ No ☐ Power efficiency form
Yes ☐ No ☐ Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
Yes ☒ No ☐ Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT Evidence of pre-1987 development

Date Requested _____

<u>SEND COPIES TO</u>	_____ Idaho Dept. of Health & Welfare	_____ U.S. BLM
	_____ Idaho Dept. of Fish & Game	_____ U.S. Forest Service
	_____ Idaho Dept. of Lands	_____ Water District
	_____ Adjudication Bureau Unit	_____ Other

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

☒	Yes	☐	No	Publication dates & paper, recorded on application
☐	Yes	☒	No	Protests received
				Final date for protest _____
☐	Yes	☐	No	Protests, dates, resolution of protest, recorded on application
☐	Yes	☐	No	Recommendations, attached
☐	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 of approval or cover letter below.

See below for additional information

Date of priority recommended 5-24-01

By [Signature] Date 7-16-01

See below for additional information

By _____ Date _____

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other

Project impacts/implications report

COMMENTS

RECEIVED

JUN 18 2001

Department of Water Resources
Eastern Region

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

LN7381

KAREN MASON

NOTICE

The following applica-
tions(s) have been
filed to appropriate
the public waters of
the State of Idaho:
29-13167

Burna Dean Bull
LM Bull
5787 W. Portneuf Rd.
Pocatello, Idaho 83204

Points(s) of Diversion:
NENWNE S25 T07S
R35E, BANNOCK
County

Source GROUND WA-
TER
Use: IRRIGATION
04/01 to 10/31 0.8
CFS
Total Diversion 0.8
CFS

Date Filed: 05/25/2001
Place of Use: IRRIGA-
TION
T07S R35E S25
NENE NWNE

Number of Acres: 38.5

Remark: This is a pre-
1987 application

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 ap-
plication must be
filed with the Direc-
tor, Dept. of Water
Resource, Eastern
Region, 900 N. Sky-
line Dr., Ste. A, Ida-
ho Falls, ID 83402
together with a pro-
test fee of \$25.00 for
each application on
or before June 25,
2001. The protestant
must also send a
copy of the protest to
the applicant.

Karl J. Dreher, Director
June 7, 14, 2001
LN7381

being first duly sworn on oath deposes and says: That SHE
was at all times herein mentioned a citizen of the United States
of America, more than 21 years of age, and the Principal Clerk
of THE IDAHO STATE JOURNAL, a daily newspaper,
printed and published at Pocatello, Bannock County, Idaho, and
having a general circulation therein.

That the document or notice, a true copy of which is
attached, was published in the said IDAHO STATE JOURNAL,
on the following dates, to-wit:

<u>JUNE 7</u>	, 2001	<u> </u>	, 2001
<u>JUNE 14</u>	, 2001	<u> </u>	, 2001
<u> </u>	, 2001	<u> </u>	, 2001
<u> </u>	, 2001	<u> </u>	, 2001

That said paper has been continuously and uninterruptedly
published in said County for a period of seventy-eight weeks
prior to the publication of said notice of advertisement and is a
newspaper within the meaning of the laws of Idaho.

Karen Mason

STATE OF IDAHO
COUNTY OF BANNOCK

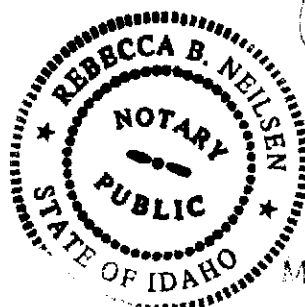
On this 14TH day of JUNE in the year of 2001, before
me, a Notary Public, personally appeared KAREN
MASON, known or identified to me to be the
person whose name subscribed to the within instrument, and
being by me first duly sworn, declared that the statements
therein are true, and acknowledge to me that he executed the
same.

Rebecca B. Neilsen

Notary Public for Idaho

Residing at POCATELLO

My commission expires: MAY 2002



MICROFILMED
OCT 10 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 30, 2001

BURNA DEAN BULL
5787 W PORTNEUF RD
POCATELLO ID 83204

RE: Application for Permit No 29-13167

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Idaho State Journal on June 7 and 14. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the 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.

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

MICROFILMED

OCT 02 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

May 30, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Legal Notice Department
IDAHO STATE JOURNAL
PO BOX 431
POCATELLO ID 83204

RE: Application for Permit No. 29-13155 and 29-13167

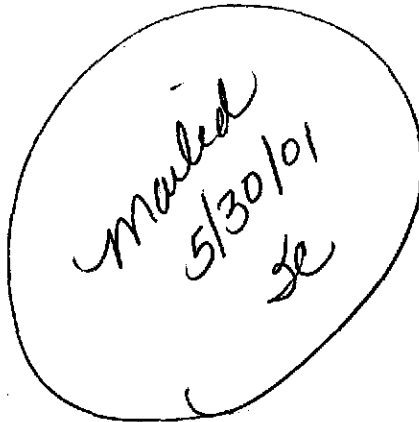
Dear LEGAL NOTICE DEPARTMENT:

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. Please send the affidavit and bill to this office before June 25, 2001. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



PHOTOCOPIED

OCT 02 2001

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

29-13167

BURNA DEAN BULL

L M BULL

5787 W PORTNEUF RD

POCATELLO ID 83204

Point(s) of Diversion: NENWNE S25 T07S R35E, BANNOCK County

Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 05/25/2001

Place Of Use: IRRIGATION

T07S R35E S25 NENE NWNE

Number of Acres 38.5

Remark: This is a pre-1987 application

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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before June 25, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on June 7 and 14, 2001

MICROFILMED

OCT 02 2001

Memorandum

To: File

From: Tim Luke

Date: May 21, 2001

Re: Violation Investigation: L.M. & Burna Dean Bull

On May 11, 2001, I investigated a potential unauthorized diversion of ground water for irrigation purposes. This matter was brought to my attention as a result of a recent license field examination that revealed additional uses than what was permitted or licensed. The investigation was made at the request of Norm Young.

The investigation resulted in confirmation of the additional and non-permitted uses. A letter dated May 15, 2001 was sent to the owners of the land and water right 29-7783. Attached are photos documenting the uses found during the site examination of May 11. Additional action may be pursued depending on the response given to the Department's letter of May 15.

MICROFILMED

OCT 02 2001



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

SCANNED

JUN 20 2001

May 15, 2001

L M Bull & Burna Dean Bull
5787 W Portneuf Rd
Pocatello, ID 83204

CERTIFIED MAIL

RE: Potential illegal water use

Gentlemen:

Our office has become aware of a potential water development that exceeds the amount of water and acreage allowed under any existing valid water rights. The development in question is a diversion of ground water for irrigation of about 38 acres located in Section 25, Twp. 7S, Rge. 35E, B.M., in Bannock County.

Our records indicate that water right 29-07783 was recently licensed for irrigation and stockwater use from a ground water source. Condition of Approval No. 1 of this license limits this right to irrigation of only 3 acres within a 26-acre place of use description. On May 11, 2001, a representative of the department visited this site and observed irrigation of approximately 38 acres. These 38 acres included about 30 acres of alfalfa crop and about 8 acres of either a grain or pasture crop. A hand line consisting of 30 to 34 nozzles was observed being used on the 38 acres with water from a ground water well and submersible pump located in the NENWNE of Section 25. The full 38 acres appeared to have been actively irrigated this year. Department staff have researched the records of the department and can not find any other valid water rights that authorize irrigation of the additional 35 acres from a ground water source.

Since no water rights appear to authorize the additional irrigation of the 35 acres described above, I request your cooperation in:

- Identifying what water right covers your development if our records are not correct.
- Do not continue the diversion of ground water from the well for irrigation of the additional 35 acres.
- &/or obtain a valid water right for your development.

Please respond to our office within 10 days of the date of this letter as to the status of your project. Please note that to divert water in Idaho without a valid water right is illegal

OCT 02 2001

pursuant to §42-351, Idaho Code and pursuant to §42-1701B, Idaho Code, civil penalties for illegal irrigation use may be \$300 annually for each acre irrigated, in whole or in part, by the illegal use or diversion.

If you have questions regarding this matter please feel free to contact our office.

Sincerely,



Tim Luke

Manager, Water Distribution Section

CC: Harold Jones, Eastern Regional Office

D:\Data\MS Word 97\Enforce\BullWarningLetter.doc

MICROFILMED
OCT 02 2001



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

May 15, 2001

L M Bull & Burna Dean Bull
5787 W Portneuf Rd
Pocatello, ID 83204

CERTIFIED MAIL

RECEIVED

MAY 21 2001

Department of Water Resources
Eastern Region

RE: Potential illegal water use

Gentlemen:

Our office has become aware of a potential water development that exceeds the amount of water and acreage allowed under any existing valid water rights. The development in question is a diversion of ground water for irrigation of about 38 acres located in Section 25, Twp. 7S, Rge. 35E, B.M., in Bannock County.

Our records indicate that water right 29-07783 was recently licensed for irrigation and stockwater use from a ground water source. Condition of Approval No. 1 of this license limits this right to irrigation of only 3 acres within a 26-acre place of use description. On May 11, 2001, a representative of the department visited this site and observed irrigation of approximately 38 acres. These 38 acres included about 30 acres of alfalfa crop and about 8 acres of either a grain or pasture crop. A hand line consisting of 30 to 34 nozzles was observed being used on the 38 acres with water from a ground water well and submersible pump located in the NENWNE of Section 25. The full 38 acres appeared to have been actively irrigated this year. Department staff have researched the records of the department and can not find any other valid water rights that authorize irrigation of the additional 35 acres from a ground water source.

Since no water rights appear to authorize the additional irrigation of the 35 acres described above, I request your cooperation in:

- Identifying what water right covers your development if our records are not correct.
- Do not continue the diversion of ground water from the well for irrigation of the additional 35 acres.
- &/or obtain a valid water right for your development.

Please respond to our office within 10 days of the date of this letter as to the status of your project. Please note that to divert water in Idaho without a valid water right is illegal

MICROFILMED

OCT 02 2001

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If you have questions regarding this matter please feel free to contact our office.

Sincerely,



Tim Luke

Manager, Water Distribution Section

CC: Harold Jones, Eastern Regional Office

D:\Data\MS Word 97\Enforce\BullWarningLetter.doc

MICROFILMED

OCT 02 2001

RECEIVED

MAR 01 2001

Department of Water Resources

Memorandum

TO: Shelley Keen

February 21, 2001

FROM: Keith C. Wilson

RE: Field Examination

Irrigation:

Field examiner observed irrigation of $\approx$ 38.1 acres from the groundwater source.

Permit is for 3 acres of irrigation

NAPP aerial photo indicates that more acres than the 38.1 acres may have been irrigated.

No other groundwater rights have been filed on this place of use.

The only other "water right" on the place of use is 29-02042 from Tough Canyon (aka Martin Canyon). Transfer T#3253/29-02042 filed to change the source to the Portneuf River. The application was withdrawn. Problems associated with transfer (a.) non-use because of the undependable water supply and, (b.) enlargement of right.

Note:

What was attempted in transfer #3253/29-02042 in 1986, appears to be reflected in the SRBA Claim A29-02042.

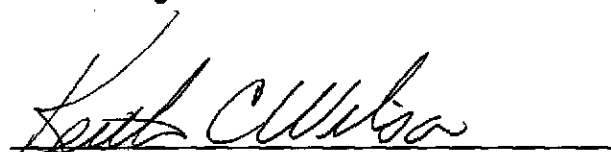
Domestic:

No domestic has been developed

A realtor contacted me about subdividing this property. (Owner may be contemplating selling the place of use under this permit.)

Recommendation:

1. A Cease & Desist should be issued instructing the permit holder to irrigate only 3 acres under this permit.
2. Resulting license should be for irrigation of only 3 acres & stockwater for 300 head of range cattle.



Keith C. Wilson
Senior Resource Agent

MICROFILMED
OCT 02 2001

MICROFILMED
APR 26 2001

29-07783

E. NARRATIVE/REMARKS, COMMENTS

Well to portable mainline to handline. 30 birds were running at time. Pasture ran downhill from well location helping the flowrate of this system. Polysonic showed 826 gallons in 5 minutes time, or 165.2 gpm. Nozzels were rated at 4 gpm when new according to Mr. Bull.

Mr. Bull runs 200-400 head of cattle 3 months of the year here. The domestic has yet to be built. Plans are still to build a home on this piece, but no domestic development has begun.

The POV is far larger than three acres. Canal rights also exist for this site. Mr. Bull didn't know what three acres the permit was for. We will have to word it to be three out of the existing 38+ acres outlined on the aerial photo.

$$7.5 \text{ hp} \times 88 \times .7 / 2.31 \times 40 + 50' = .32 \text{ cfs}$$

* IRRIGATION OF MORE THAN PERMITTED 3 ACRES

Have conditions of permit approval been met? ☐ yes ☒ no*

MICROFILMED

APR 26 2001