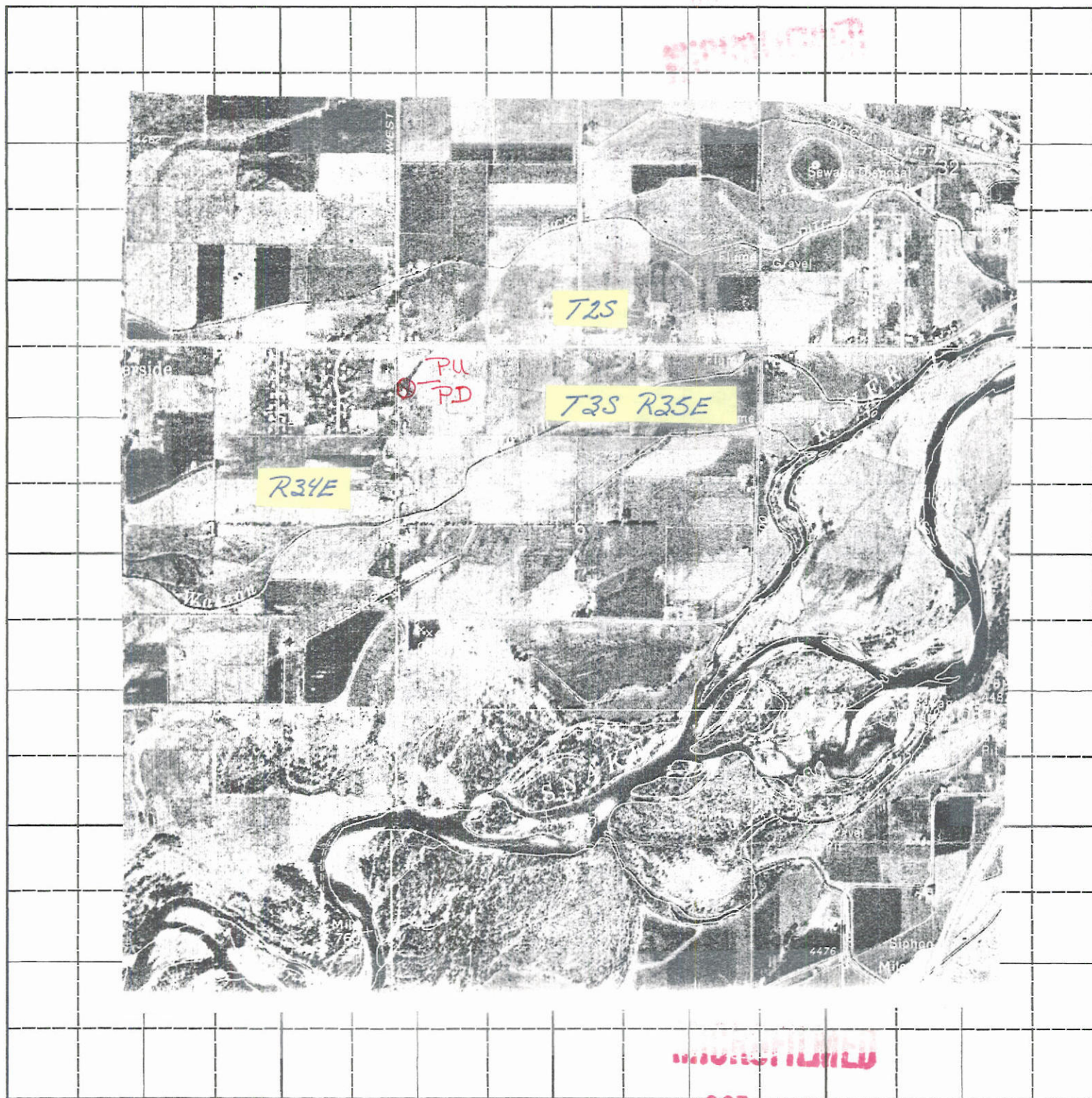


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

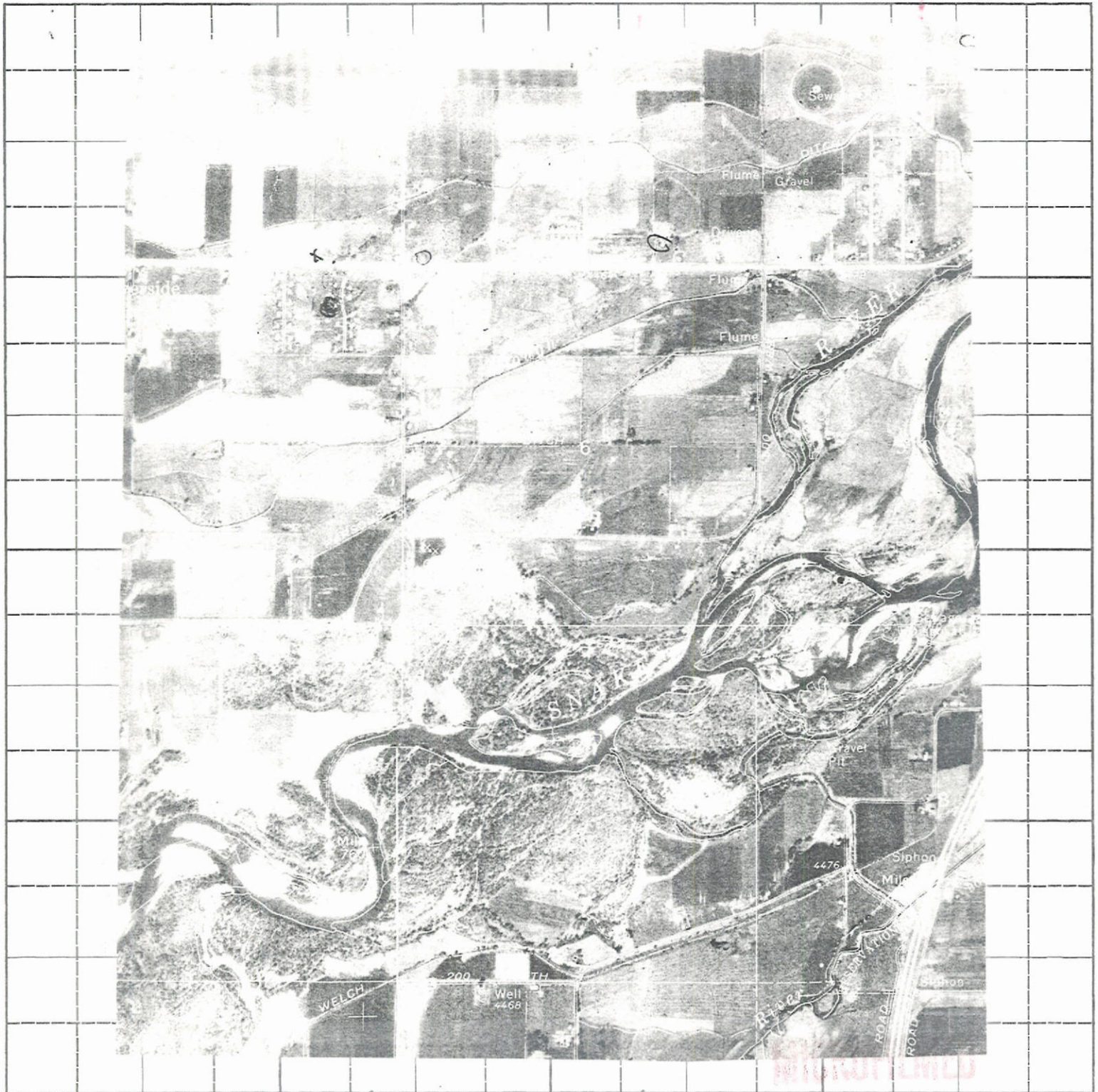


Scale: 2 inches equal 1 mile.

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

Darwin K. Shipley
(Applicant)

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



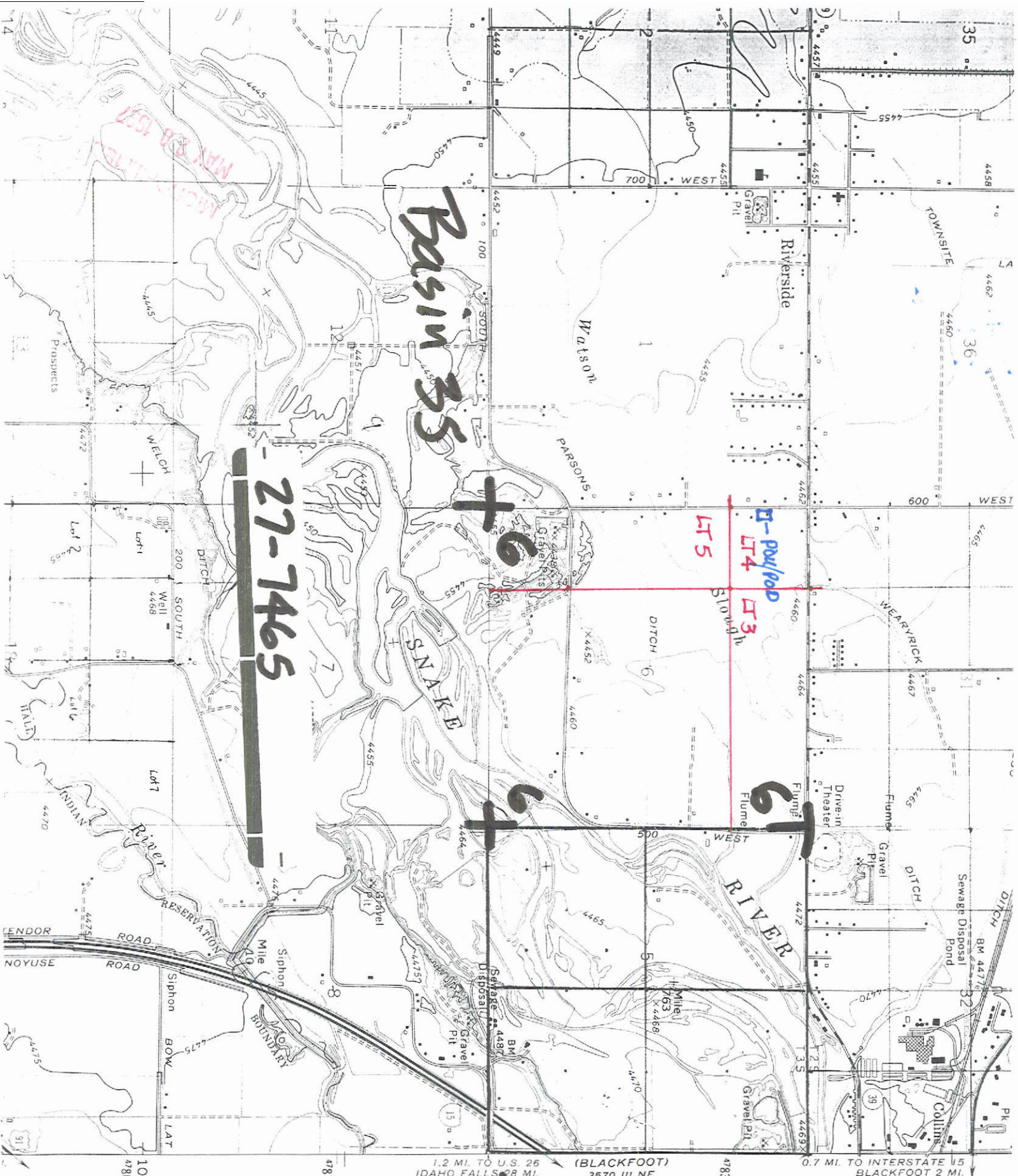
Scale: 2 inches equal 1 mile.

See Attachment #1

Oct 26 1989

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.

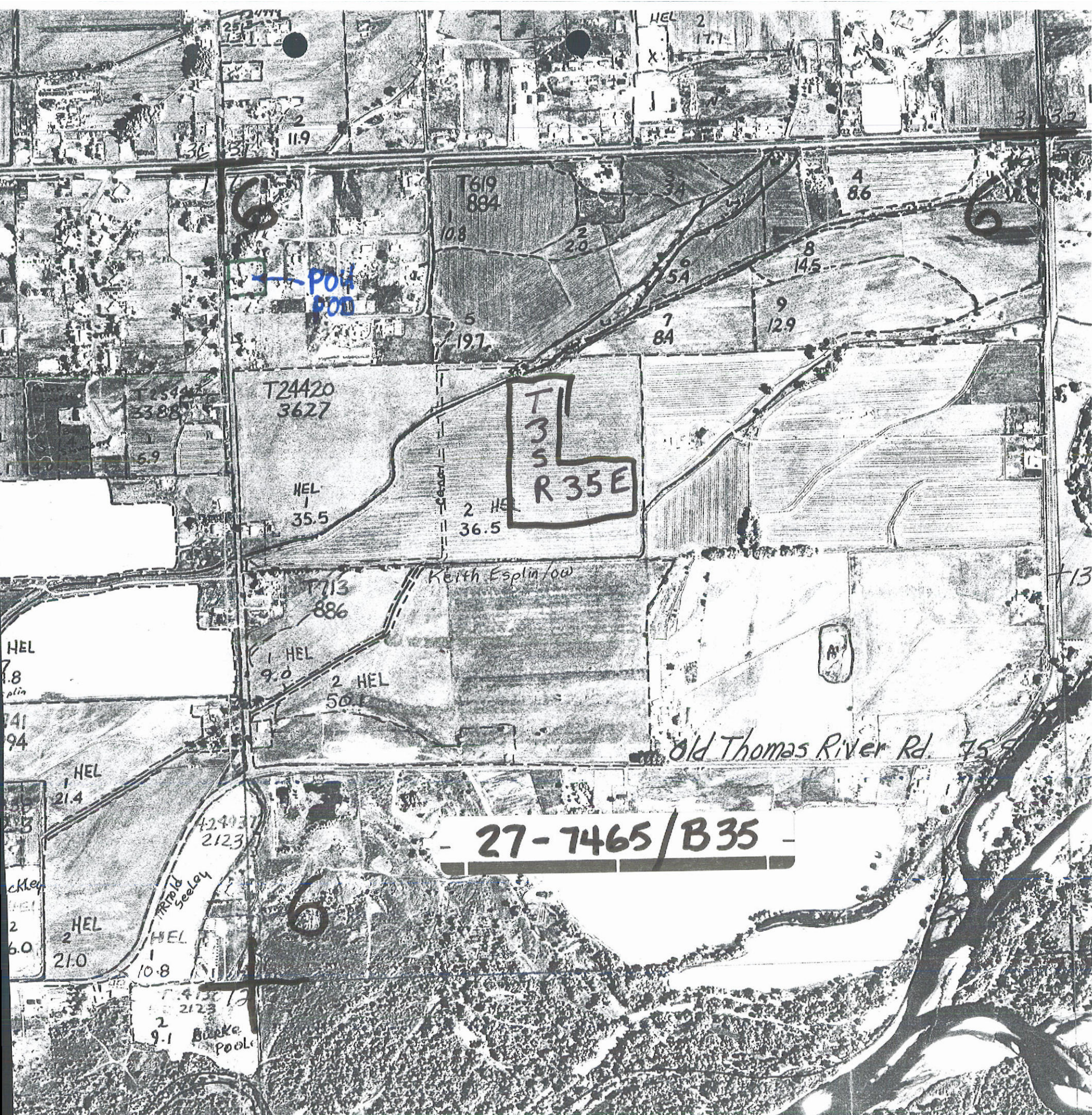
Patricia K. Shipley
(Applicant)



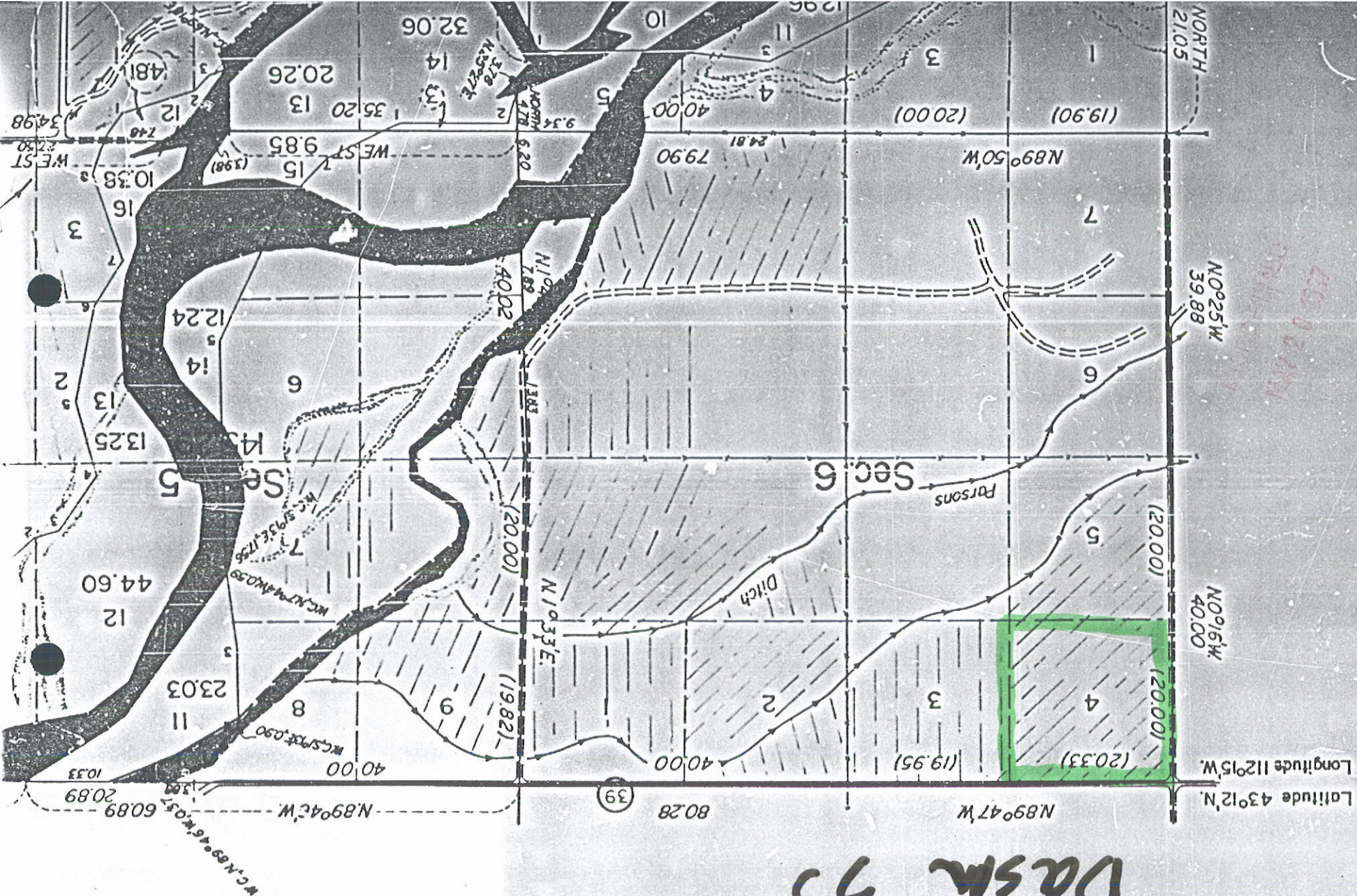
1.2 MI. TO U.S. 26
IDAHO FALLS 28 MI.
(BLACKFOOT)
3570 III NE
0.7 MI. TO INTERSTATE 15
BLACKFOOT 2 MI.

19
102
111

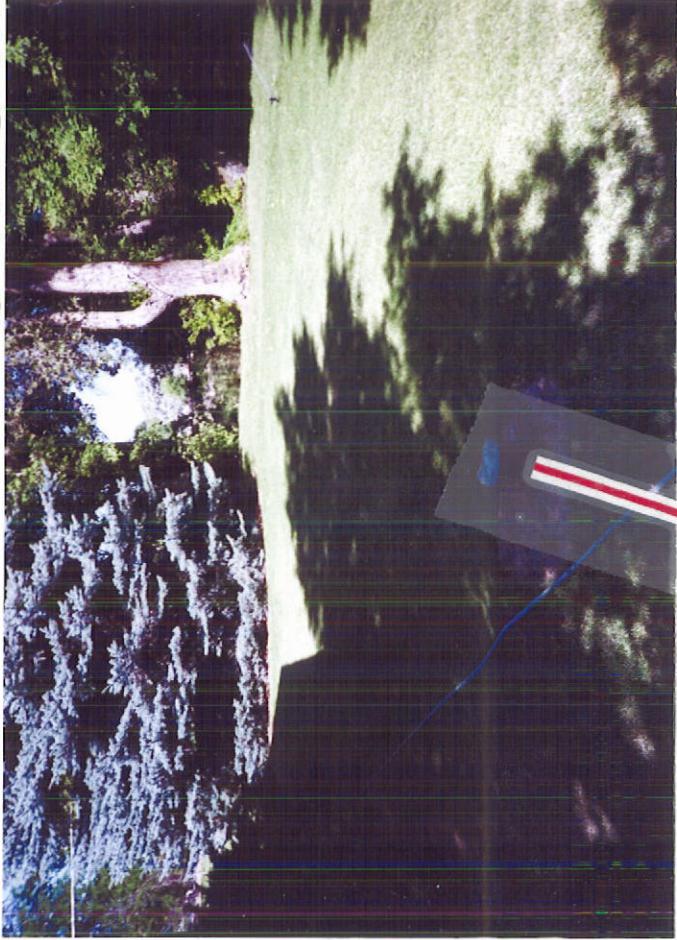
35
35E



Basin 35



Point of diversion



27-7465

POINT OF
DIVERSION

UNSCOTTED
MAY 20 1957

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-09065

Priority: May 10, 1989

Maximum Diversion Rate:

0.06 CFS

Maximum Diversion Volume:

5.3 AF

This is to certify, that O DEVAUGHN SHIPLEY
PATRICIA K SHIPLEY

13 S 600 W

BLACKFOOT ID 83221

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 10, 1989; and has submitted Proof of Beneficial Use on November 6, 1989. An examination indicates that the works have a diversion capacity of 0.060 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.02 CFS	4.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.1 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	0.06 CFS	5.3 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 4 (NWNW), Sec. 6, Township 03S, Range 35E
BINGHAM County

<u>PLACE OF USE:</u>	<u>IRRIGATION</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
03S	35E	6	Lot 4(NWNW)	1	1
Total number of acres irrigated:					1

PLACE OF USE:
STOCKWATER, same as IRRIGATION use

PLACE OF USE:
DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.

RECEIVED
MAY 23 1989

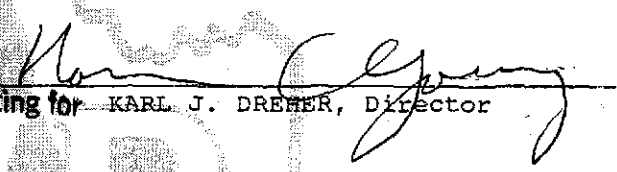
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 35-09065

CONDITIONS OF APPROVAL AND REMARKS

4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.
6. 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.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
8. Domestic use is for 1 home.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 16TH day of MAY, 1997.


Acting for KARL J. DREHER, Director

WR

MAY 20 1997

RECEIVED

NOV 06 1989

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
Fee Received SDW
Date 11-7-89
Receipt # C012697
Receipt by D.K.
Reviewed by DS-11/24/89
Sent to region

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. P-27-07465-35-09065

Name(s) of Permit Holder: O. DeVaughn or Patricia K SHIPLEY

Post Office Address: 13 So 600W, Blackfoot, ID 83221

Telephone No. 208-684-3270

Source of Water: private well

Extent of Use:

Domestic 1 (number of households)

Stockwater approx - varies 10 sheep (number and type of stock)

Irrigation 1 (acres)

Other/Remark 1 horse

Total rate and/or volume for which proof is submitted INCLUDED - Domestic, Irrigation & Stockwater * 0.8 cfs acre-feet

Show the date water was first diverted and beneficially used under this permit: This well developed 1968

Measuring Device: Required? Yes No
Installed? Yes No

Fee enclosed \$ 50
(See License Examination Fee Schedule)

Flow Measurement Port: Required? Yes No
Installed? Yes No

* - Do not understand question

Person to contact to accompany the Department representative during the field examination:

Patricia Shipley
(Name)

684-3270
785-0690 work -
(Telephone Number)

13 So 600W Bft. ID 83221
(Address)

MICROFILMED
SERIALIZED

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

DEC 14 1989

10-31-89
Date

DeVaughn Shipley / Patricia Shipley
Signature of Permit Holder (and title, if appropriate)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. ~~27-07465~~ 35-09065

Proposed Priority: May 10, 1989

Maximum Diversion Rate:

0.08 CFS

This is to certify, that **O. DEVAUGHN SHIPLEY**
PATRICIA K. SHIPLEY
13 S. 600 W.
BLACKFOOT, ID 83221

has applied for a permit to appropriate water from: **GROUNDWATER**
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	03/15 to 11/15	0.02 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.08 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNWNW

Sec. 6, Township 03S, Range 35E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03S	35E	6	NWNW	1		1

Total number of acres irrigated:

1

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **November 1, 1990**.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

MICROFILMED

OCT 26 1989

Permit To Appropriate Water

NO. 27-07465

CONDITIONS/REMARKS:

7. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

19th day of October, 1989.

for R. Keith Higginson, Director

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OCT 26 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 27-1465

To appropriate the public waters of the State of Idaho

1. Name of applicant Patricia K or O. Devaughn Shipley Phone 684-3270
Post office address 13 South 600 West Blackfoot, Idaho 83221

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is NW $\frac{1}{4}$ of DW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 6 Township 3 South Range 35 East B.M. Bingham County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .02 for Irrigation purposes from March 15 to Nov 15 (both dates inclusive)
(cfs ~~acre-feet per annum~~)

Amount .02 for Stockwater purposes from 1 January to 31 December (both dates inclusive)
(cfs ~~acre-feet per annum~~)

Amount .04 for Domestic purposes from 1 January to 31 December (both dates inclusive)
(cfs ~~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) 0.08 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well and pump to distribution system
for irrigation, stockwater, and domestic use.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is 7 inches; proposed depth of well is 93' feet.

d. Is ground water with a temperature of greater than 90°F being sought? NO

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

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OCT 26 1989

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. 8 Sheep
- Municipal; show name of municipality. _____
- Domestic; show number of households. 1 (one) household
- Other; describe fully. _____

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
<u>3S</u>	<u>35E</u>	<u>06</u>						<u>1</u>											<u>1</u>
								<u>D/S</u>											

Total number of acres to be irrigated 1

10. Describe any other water rights used for the same purposes as described above. NONE

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: _____

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CT 26 1989

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



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OCT 26 1989

Scale: 2 inches equal 1 mile.

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

Dorinda K. Shipley
(Applicant)

Corrected Copy Prepared by DMD 11 June 89, Returned for signature 11 June 1989

Received by CW BAS Date 6-22-89 Time 12:15P Preliminary check by DMD

Fee \$ 30.00 Receipted by BAS # MD03469 Date 5-10-89

Publication prepared by PB Date 7-13-89 Published in Morning News 7-20th 89
8-3rd 10-89

Publication approved CW Date 8-24-89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MICROFILMED

OCT 26 1989

Void

Rept # M003469

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Patricia K. Shipley
PO. DEVAUGHN SHIPLEY Phone 684-3270
Post office address 13. DO. 600 W. BLACKFOOT, ID 83221
2. Source of water supply ground water which is a tributary of N/A
3. Location of point of diversion is _____ 1/4 of NW 1/4 of NW 1/4, Govt. Lot _____
Sec. 6 Township 3 South Range 35 E B.M. Bingham County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.02 for irrigation purposes from April 15 to Oct 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.04 for Household purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for Livestock purposes from Jan 1 to Dec 31 (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) 0.08 and/or (b) 3.0
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. * well and pump to distribution system
for irrigation, stock water, and domestic use
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is 7" OD inches; proposed depth of well is 93' feet.
d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the _____ is
_____ years (minimum 1 year).

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OCT 26 1989

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. 8 head Sheep
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. One Household and yard
- e. Other; describe fully. _____

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
35	35	6															1		1
																	10		
																	85		

Total number of acres to be irrigated 1

10. Describe any other water rights used for the same purposes as described above. None

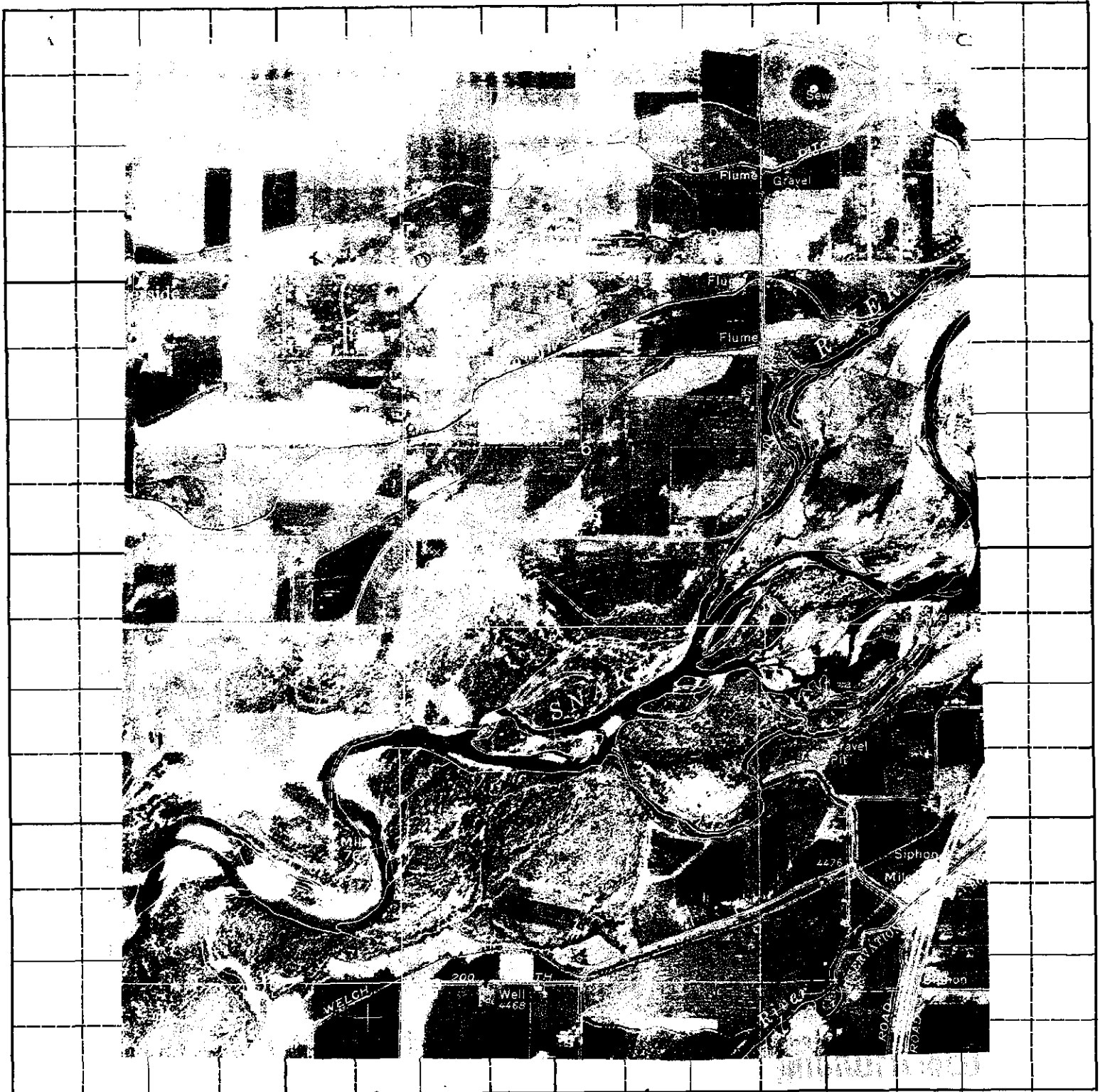
11. a. Who owns the property at the point of diversion? Claimant
- b. Who owns the land to be irrigated or place of use? Claimant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: * As per telephone conversation 19 June 1989 DMD

MICROFILMED

OCT 26 1989

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



Scale: 2 inches equal 1 mile.

See Attachment #1

Oct 26 1965

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.

Patricia K. Shiple
(Applicant)

Received by BAS Date 5/10/89 Time _____ Preliminary check by AMS
Fee \$ 30.00 Receipted by BAS # MO03469 Date 5/10/89
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

MICROFILMED

OCT 26 1989

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

25-07497

PUTNAM, LAWRENCE D
PUTNAM, JANET D
P.O. Box 532
Shelley, ID 83274
Source: GROUNDWATER
Diversion Pt: NWSSEW
Sec 21 T 01N R 37E
Use: DOMESTIC, (.040 CFS);
IRRIGATION, (.040 CFS)
Date Filed: 5/25/1989
In: T01N R37E S21 SESW
2.0 ACRES TOTAL

25-07504

C/O LEAH JONES
EASTERN IDAHO GRAZING ASSN.
P.O. Box 308
Blackfoot, ID 83221
Source: SPRING,
Tributary: SINKS
Diversion Pt: NENWSE
Sec 28 T 03S R 42E
Use: STOCKWATER, (.040 CFS)
Date Filed: 5/22/1989
In: T03S R42E S28 NWSE

25-07505

CHURCH OF JESUS CHRIST,
LATTER DAY SAINTS
REAL ESTATE DIVISION
Twelfth Floor
50 East North Temple Street
Salt Lake City, UT 84150
Source: SPRING,
Tributary: SINKS
Diversion Pt: SESWSW
Sec 11 T 02S R 39E
Use: DOMESTIC, (.020 CFS)
Date Filed: 5/16/89
In: T02S R39E S11 SWSW

27-07465

SHIPLEY, PATRICIA K.
SHIPLEY, O. DEVAUGHN
13 S. 600 W
Blackfoot, ID 83221
Source: GROUNDWATER
Diversion Pt: NWNWNW
Sec 6T 03S R 35E
Use: IRRIGATION, (.020 CFS);
STOCKWATER, (.020 CFS);
DOMESTIC, (.040 CFS)
Date Filed: 6/22/1989
In: T03S R35E S06 NWNW
1.0 ACRES TOTAL

27-07466-

NULPH BROTHERS, INC.
1418 N. Hwy. 91
Shelley, ID 83274
Source: GROUNDWATER
Diversion Pt: SWSE Sec 21 T01N R 37E
Use: COMMERCIAL, (.040 CFS)
Date Filed: 5/03/1989
In: T01N R37E S21 SWSE

27-07467

STEWART, CORDELL H.
563 W. 200 S.
Blackfoot, ID 83221
Source: GROUNDWATER
Diversion Pt: NENW
Sec 18 T 03S R 35E
Use: IRRIGATION, (.090 CFS);
DOMESTIC, (.040 CFS)
Date Filed: 5/26/1989
In: T03S R35E S18 NENW
3.0 ACRES TOTAL

RECEIVED

AUG 24 1989

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho
I, Michael Bell

solemnly

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

newspaper two consecutive weeks,

the first publication having been made on the

3rd day of August, 19 89;

and the last publication having been made on the
10th day of August, 19 89;

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

On this 21st day of August, in
the year 1989 before me a Notary Public of said State,
personally appeared

Michael Bell
known or identified to me to be the person whose
name is 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 ex-
ecuted the same.

Wayne L. Linton
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
November 10, 1994

Affidavit Processing Fee \$5.00

MICROFILMED

OCT 26 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

May 19, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

O DEVAUGHN SHIPLEY
PATRICIA K SHIPLEY
13 S 600 W
BLACKFOOT ID 83221

RE: WATER RIGHT NO. 35-09065

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. 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 of the Department unless a party petitions for reconsideration or files an exception and/or brief 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

RECORDED
MAY 20 1997

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

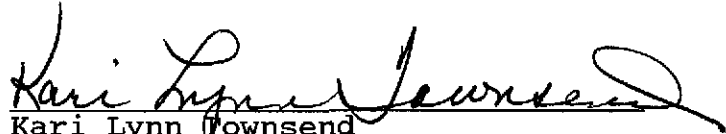
RECEIVED
MAY 26 1997

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of May, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 35-09065

O DEVAUGHN SHIPLEY
PATRICIA K SHIPLEY
13 S 600 W
BLACKFOOT ID 83221


Kari Lynn Townsend
Secretary

RECEIVED
MAY 20 1997

35-09065 LICENSE REVIEW CHECKLIST

PERMIT NO. 27-07465

DATE 5/6/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>No</u>
SOURCE	Change <u>—</u>	OK <u>✓</u>	Is change/clarification of originally intended source? <u>—</u>
POINT OF DIV	Change <u>—</u>	OK <u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	Change <u>—</u>	OK <u>✓</u>	Amendment required <u>No</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate

Fee limit

Measured

Theoretical

.08 cfs
.20 cfs \$ 50.00 irrig. portion only
.06 cfs .03 @ 35 psi or 40 psi.
.04 cfs @ 25 psi and 75' lift

Recommended Total Div Rate .06 cfs

ANNUAL VOLUME/
NATURE OF USES —

✓ Use

Int. <u>.02</u>	Volume Calculation
Stock <u>.02</u>	$1 \times 4.0 = 4.0$ af
Dom. <u>.04</u>	<u>.1</u> af
	<u>1.2</u> af
SUBTOTAL	<u>5.3</u> af

2 ac irrig
 1 ac permitted
 dom. use
 incl. lawn/
 garden
 irrig.

Flow rate .04 cfs X 365 days X 1.98 = 29.0 af
 Total volume recommended 5.3 af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS

1 home

CONDITIONS — Watermaster Control WD# —

31 GW Measurement/Measuring Device

31 Overlap

— Use-specific conditions

048, 049

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed N/A

Adjustment Memo DD note

1st Amend Letter N/A

2nd Amend Letter N/A

N of river,
 56 is basin
35

RECEIVED

FEB 19 1997

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Wrong Basin

Permit No. *

27-7465 35-09065

A. GENERAL INFORMATION

1. Owner: O. Devaughn Shipley / Patricia K. Shipley Phone No. (208) 684-3270Current Address: 13 S. 600 W Blackfoot, ID 832212. Accompanied by: Patricia EXAM DATE: 8-16-95Address: _____ Phone No. (208) 684-3270Relationship to Permit Holder: Same3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE2. Other water rights with the same point of diversion: NONE

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
	4		NW	NW	6	3S	35E	Bingham	USGS/ON SITE

2. Place(s) of Use:

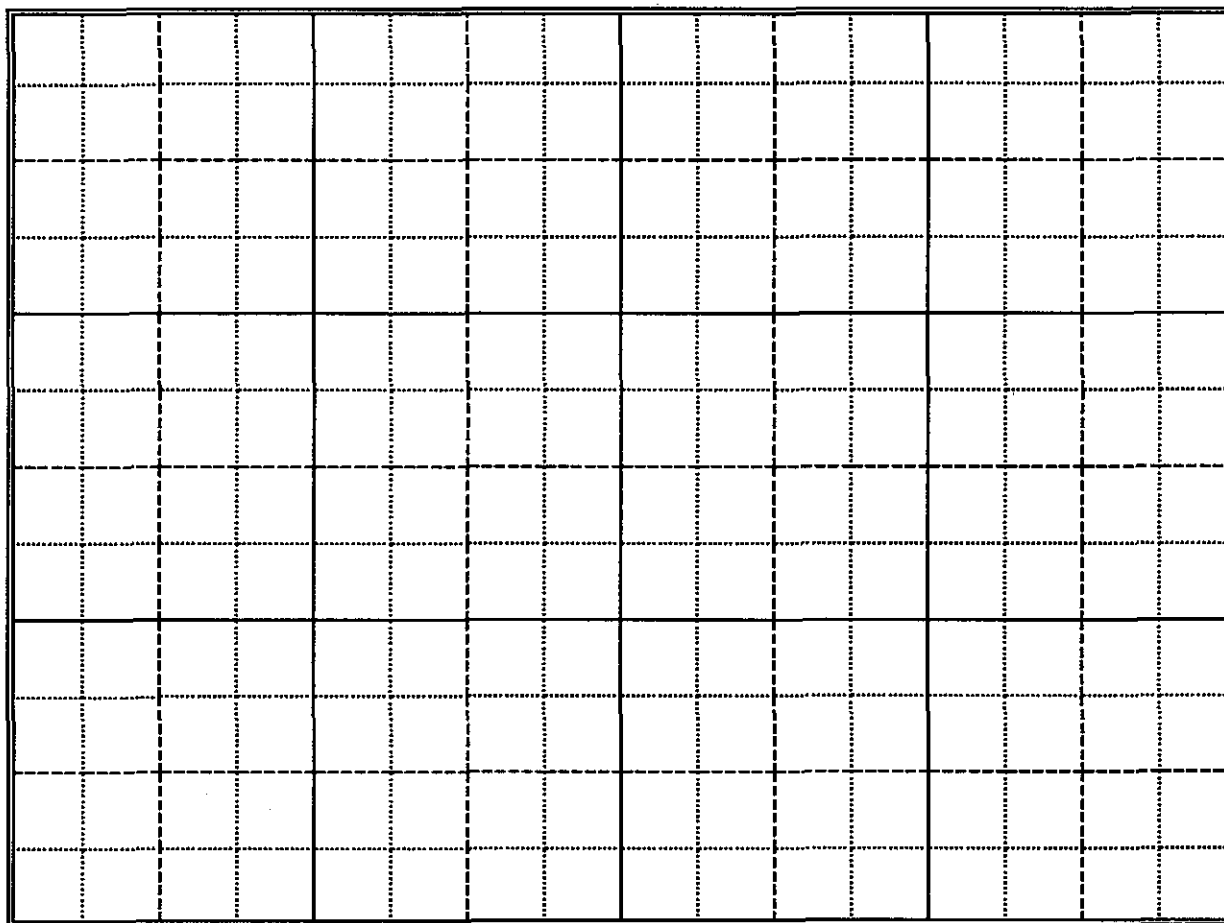
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3S	35E	6					1												1
							D/S												
							LT4												

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MAY 20 1997

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
Well	Franklin Elec	3/4	2801 0701.01	Franklin ?	

*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
		Ashcroft			0-60	

2. Measurements: Birds are 5/32, 15psi avg

MEASUREMENTS

MAY 20 1961

E. NARRATIVE/REMARKS/COMMENTS

The place of use appeared to cover roughly 2 acres of lawn/gardens/pasture.

During the flow measurement, 7 $\frac{5}{32}$ birds were running. The average pressure was 15 psi.

Turn on 20 psi Turn off 50 psi on pressure tank
Pumping pressure 30 psi with 7 birds running.

POU is $\frac{1}{10}$ mile from Hy 39

* This water right should be in Basin 35

$$\frac{5}{32} \text{ nozzles } 32 \text{ psi} = \frac{4.01 \text{ cfm/in} (7)}{448.8} = .06 \text{ cfs}$$

1-10 HORSES/SHEEP

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

NOT FILMED
MAY 20 1987

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{1 \times 4 = 4}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{4}$$

2. Volume Calculations for Other Uses:

FROM CHART
STOCKWATER 0.1 AF/
Domestic/LAWN → 1.2 AF

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRR	4/01	10/31	0.02	4
STOCKWATER	01/01	12/31	0.02	0.1 AF
DOMESTIC	01/01	12/31	0.04	1.2 AF
Totals:			0.06	5.3 AF

2. Recommended Amendments

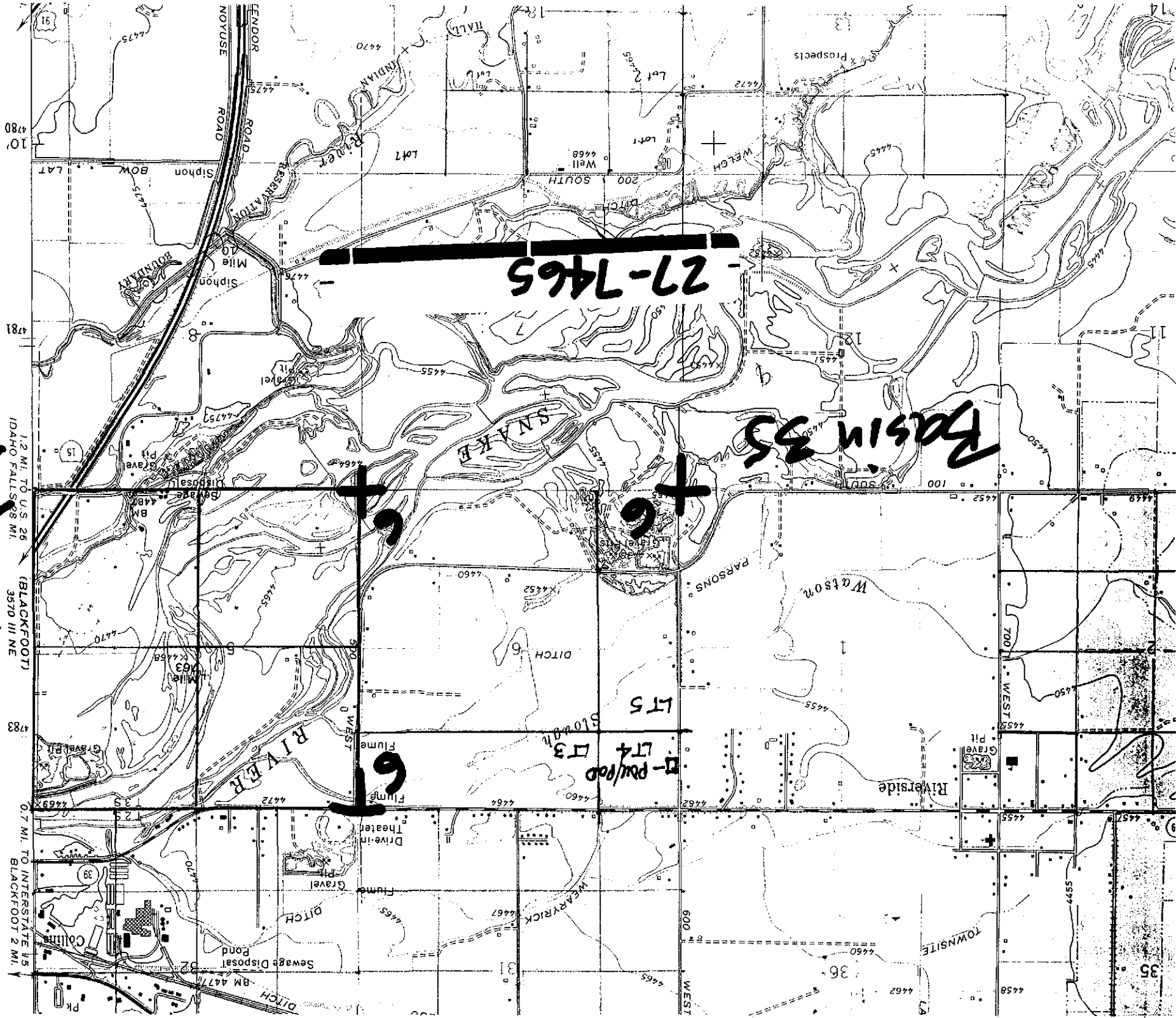
___ Change P.D. as reflected above ___ Add P.D. as reflected above ☒ None
___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATIONField Examiner's Name Steve Mueller Date 8-16-95Reviewer DAVE CARLSON Date 2/13/97

SEAL

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MAY 20 1997



35E

35

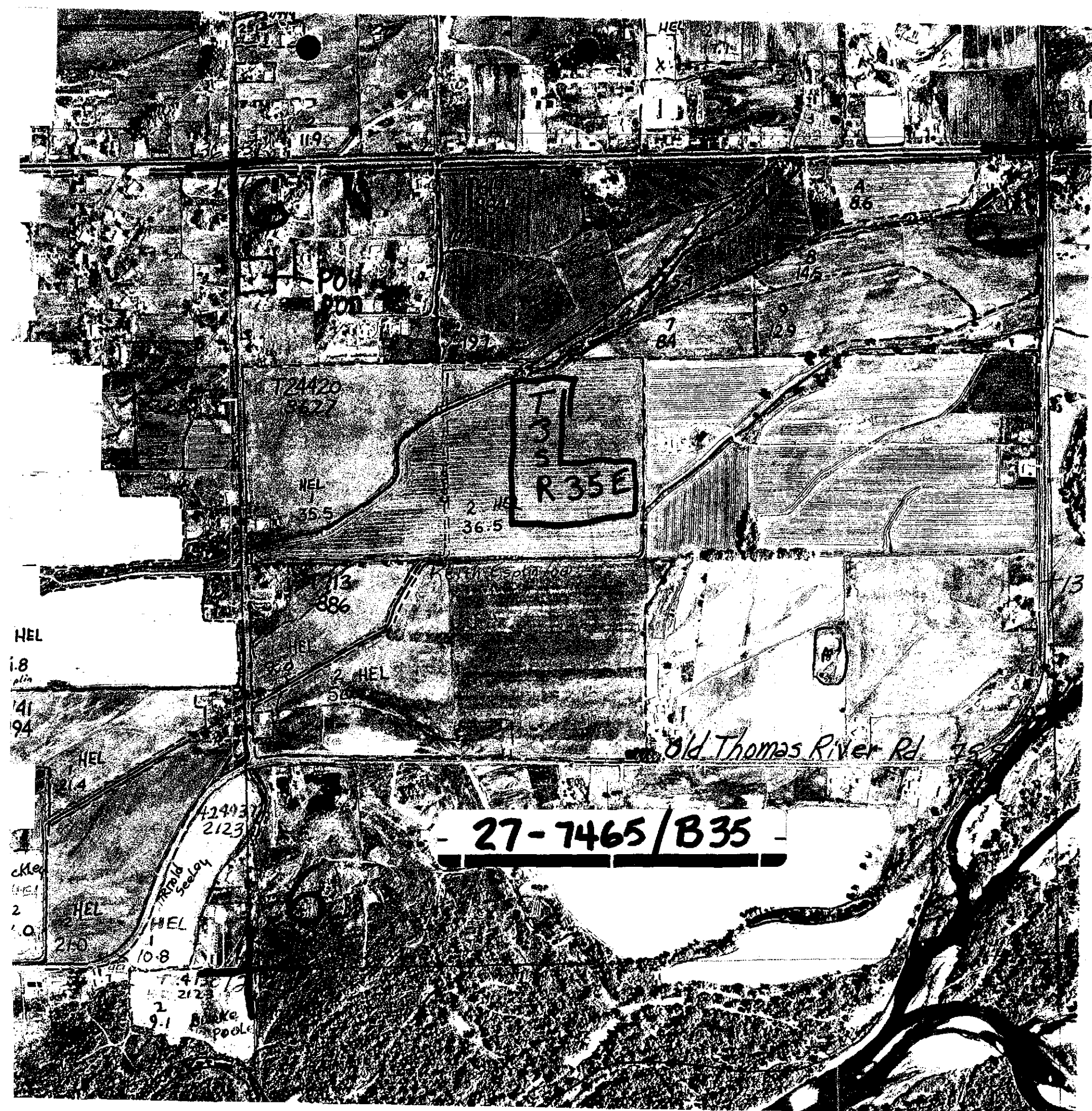
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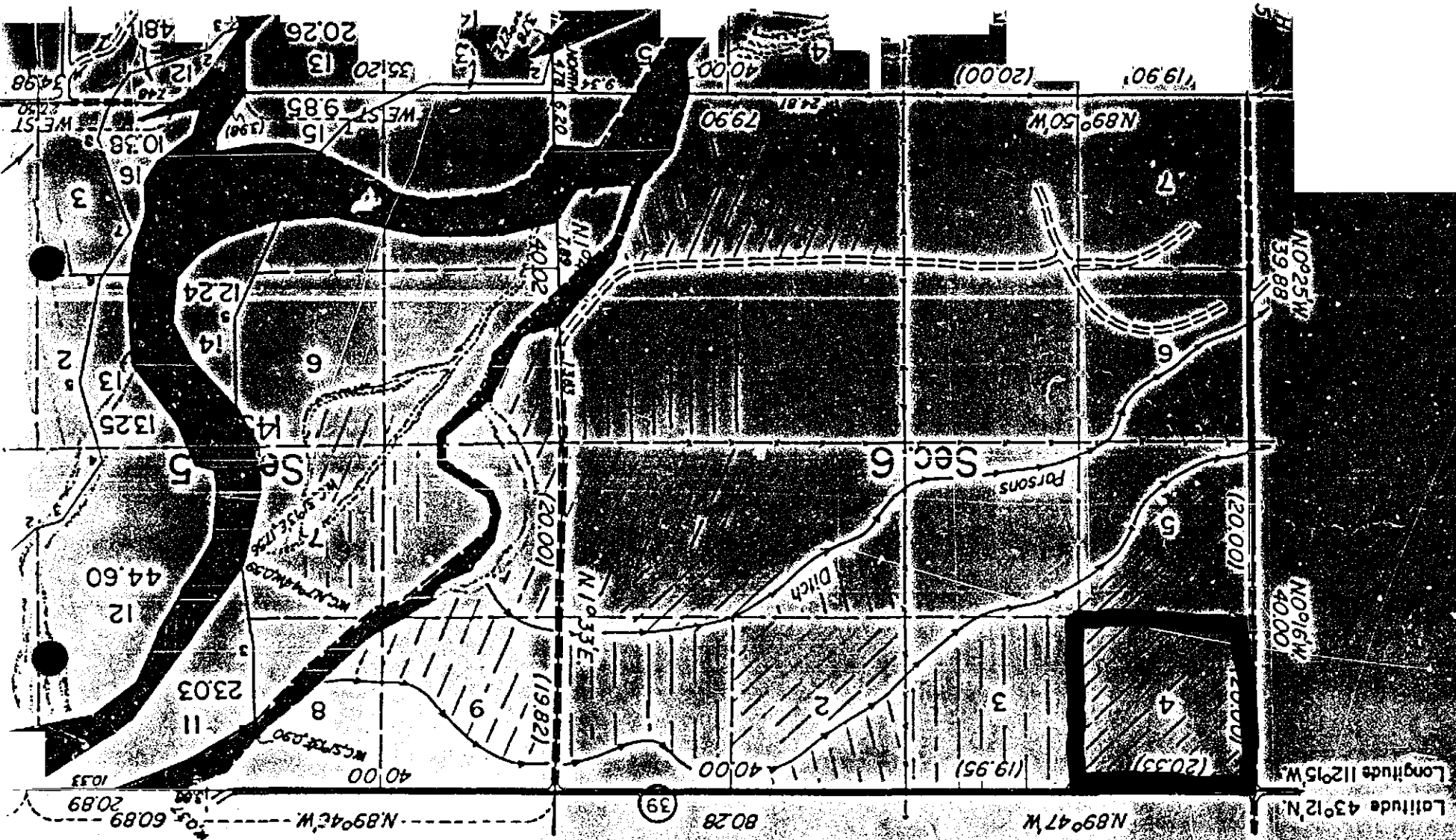
111
102
19

1.2 MI. TO U.S. 26
IDAHO FALLS 8 MI.

(BLACKFOOT)
3970 III NE

0.7 MI. TO INTERSTATE 85
BLACKFOOT 2 MI.





Point of diversion



27-7465

POINT OF
DIVERSION

27-7465
27-7465

December 1, 1989

O. DEVAUGHN SHIPLEY
PATRICIA K. SHIPLEY
13 S. 600 W.
BLACKFOOT, ID 83221

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 27-07465

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 conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

RECORDED

DEC 14 1989

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 27-7465

Date: 11/24/89

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change NO If yes, prepare a data entry
☒ Proof received timely
☐ Reinstated

Source of Water:

- ☐ Surface water
☒ Groundwater
NA 1. well log in file 1968 NO WELL LOG FOUND
NA 2. drilling permit
NA A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- ☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

Flow acceptable

Priority Calculation:

Date proof received

Date proof due

No. of days late

Priority date

NEW PRIORITY DATE

<u>NA</u>	
	-
	=
	+
	=

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
October 20, 1989

O. DEVAUGHN SHIPLEY
PATRICIA K. SHIPLEY
13 S. 600 W.
BLACKFOOT, ID 83221

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P27-07465

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

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001 26 1989

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECEIVED

OCT 26 1989

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Debbie Quinn DATE 19 June 89 APPLICATION NUMBER 27-7465

Patricia R. Shipley

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 signator 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

Date Requested SEP 10 1989

Department of Water Resources

PROCESSING ☒ Yes ☐ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ 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

FINAL REGIONAL PROCESSING REVIEW

☒ 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 8-7-89 8-21-89
☐ 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. 27-POS
☐ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information

Date of priority recommended 5-10-89
By HWT

Date 8-31-89

STATE OFFICE REVIEW P05, P23 P16 48 49 46

See below for additional information

By KW Date 10-12-89

ADDITIONAL INFORMATION

App. in NON-TRUST area-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
50 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

JULY 26, 1989

THE MORNING NEWS
P.O. BOX 70
BLACKFOOT, ID 83221

Gentlemen:

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

Please send the affidavit of publication and publication billing to this office before AUGUST 21, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

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OCT 26 1989

NOTICE OF APPLICATION FOR WATER RIGHT
The following application(s) have been filed to appropriate the public
waters of the State of Idaho:

RECORDED

OCT 26 1989

27-07465

SHIPLEY, PATRICIA K.
SHIPLEY, O. DEVAUGHN
13 S. 600 W.
BLACKFOOT, ID 83221

Source: GROUNDWATER

Diversion Pt: NWNWNW Sec 6 T 03S R 35E

Use: IRRIGATION	(.020 CFS)
STOCKWATER	(.020 CFS)
DOMESTIC	(.040 CFS)

Date Filed: 6/22/1989

In: T03S R35E S06 NWNW

1.0 ACRES TOTAL

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OCT 26 1989

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before AUGUST 21, 1989.

R. Keith Higginson, Director

Published 8/03/1989 & 8/10/1989

MICROFILMED

OCT 26 1989

18-July-1989

Patricia K. or O. Devaughn Shipley
13 S. 600 W.
Blackfoot, ID 83221

RE: Application for Permit No. 27-7465

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Morning News. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

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OCT 26 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

JULY 17, 1989

THE MORNING NEWS
P.O. BOX 70
BLACKFOOT, ID 83221

Gentlemen:

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

Please send the affidavit of publication and publication billing to this office before AUGUST 7, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

OCT 26 1989

Did not see

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

OCT 26 1989

27-07465

SHIPLEY, PATRICIA K.
SHIPLEY, O. DEVAUGHN
13 S. 600 W.
BLACKFOOT, ID 83221

Source: GROUNDWATER

Diversion Pt: NWNWNW Sec 6 T 03S R 35E

Use: IRRIGATION	(.020 CFS)
STOCKWATER	(.020 CFS)
DOMESTIC	(.040 CFS)

Date Filed: 6/22/1989

In: T03S R35E S06 NWNW

1.0 ACRES TOTAL

RECORDED

OCT 26 1989

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R. Keith Higginson, Director

Published 7/20/1989 & 7/27/1989

MICROFILMED

OCT 26 1989

INTER-DEPARTMENT MEMO — 1

FROM Dennis M Dunn

DATE 19 June 1989

TO Patricia K Shipley

SUBJECT Application for Permit.

Mrs Shipley,

Please sign the application where it is highlighted. We will continue with processing upon return of the application.

Sincerely,

Dennis M Dunn

RECEIVED

JUN 26 1989

SIGNATURE

