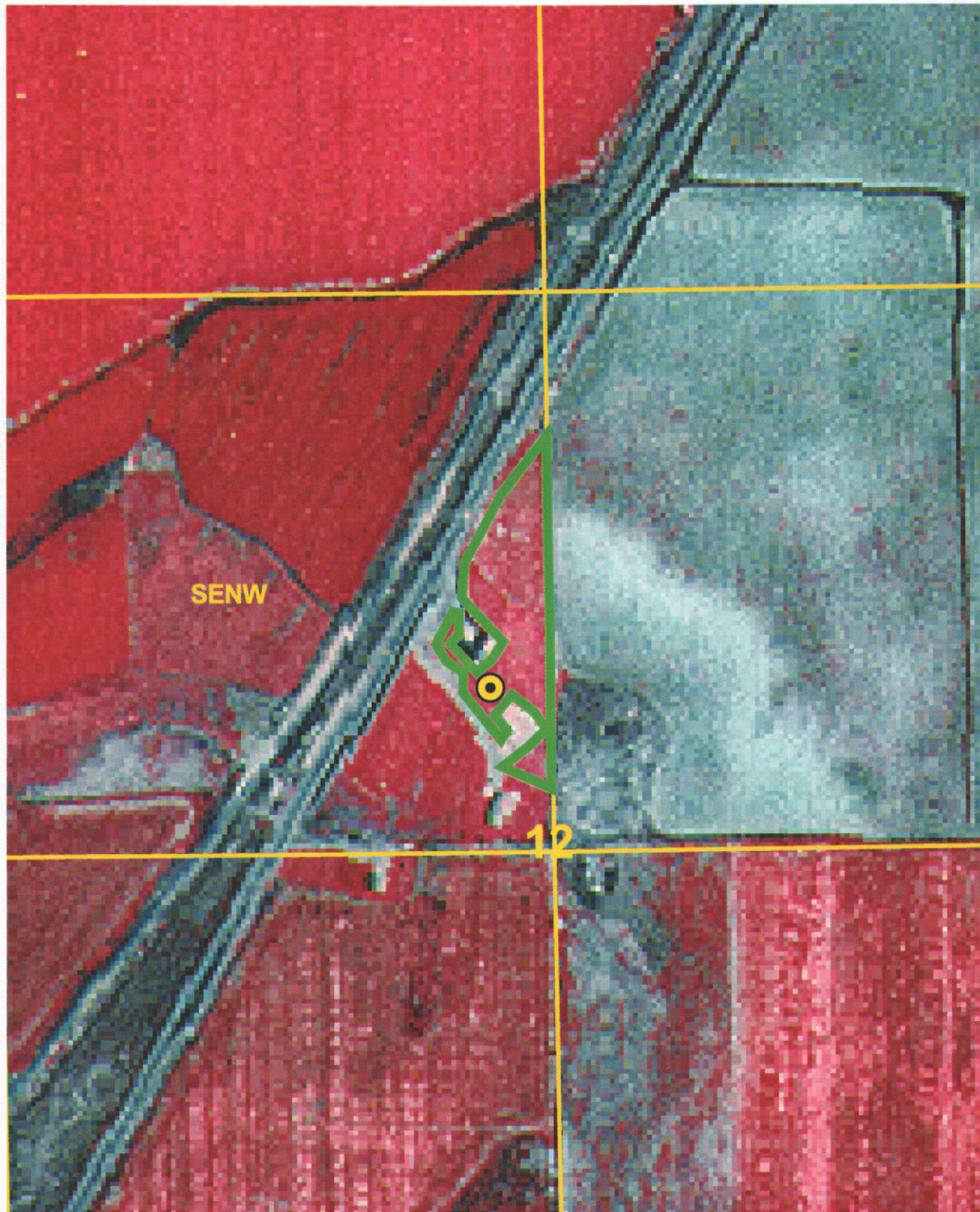


Gerrie Sly  
(Applicant)

35-08908

T3S, R33E sec 12



MICROFILMED  
JAN 09 2003



35-8908 well / pressure tank

MICROFILMED  
JAN 09 2003



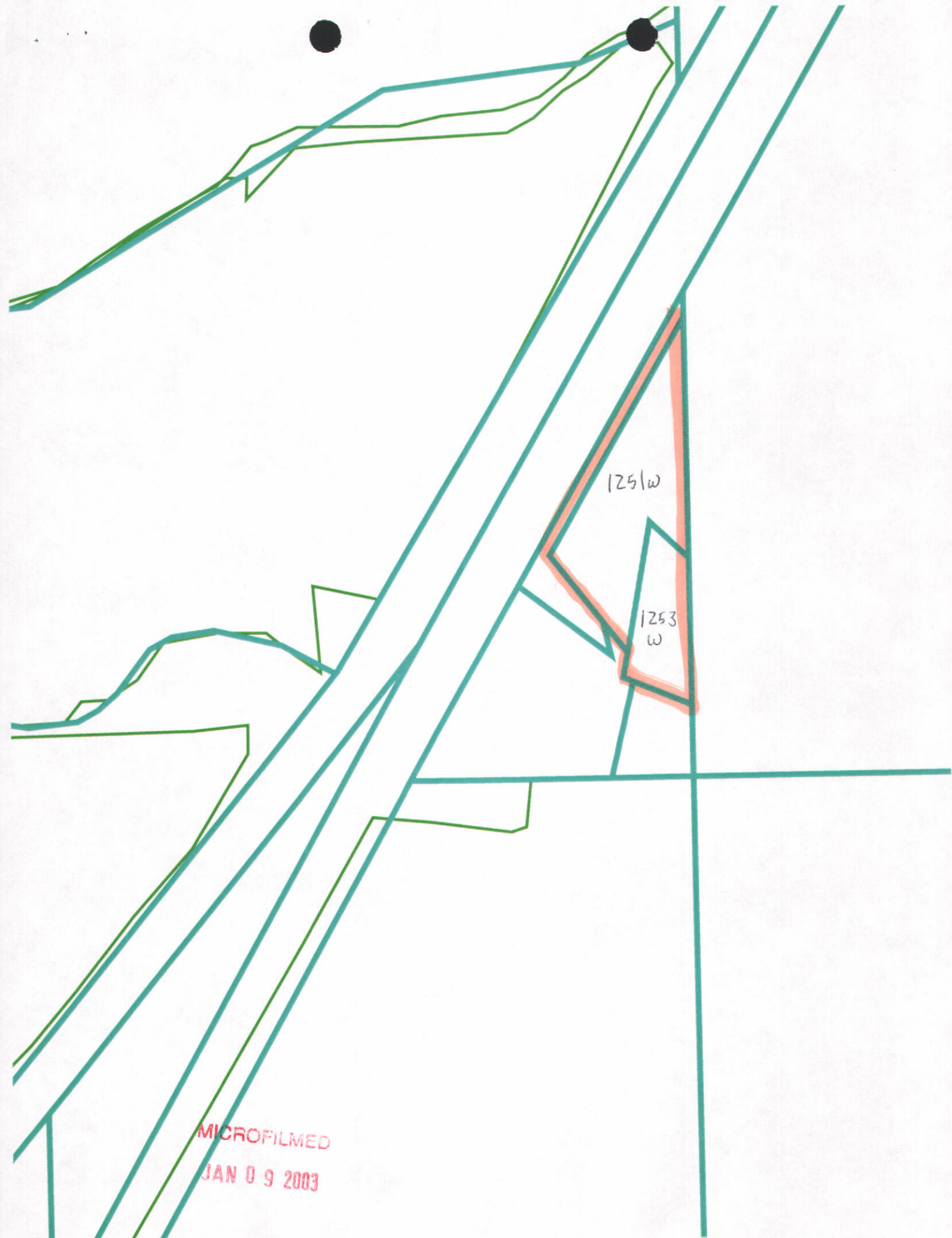
35-8908 well house looking at  
1251w Hwy 38 - DANCES

MICROFILMED  
JAN 09 2003



35-8908 well house looking at  
1253w Hwy 38 - T. Rose

MICROFILMED  
JAN 09 2003



MICROFILMED  
JAN 09 2003

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 35-08908

Priority: July 12, 1990

Maximum Diversion Rate: 0.12 CFS  
Maximum Diversion Volume: 10.6 AF

It is hereby certified that CHARLES HAZELBRUSH Or DALEEN HAZELBRUSH  
1251 W HWY 39  
BLACKFOOT ID 83221 have complied with the terms and  
conditions of the permit, issued pursuant to Application for Permit dated July 12, 1990; and have  
submitted Proof of Beneficial Use on December 30, 1991. An examination indicates that the works have  
a diversion capacity of 0.25 cfs of water from:

**SOURCE**

GROUND WATER

and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL<br/>DIVERSION VOLUME</u> |
|-----------------------|----------------------|-----------------------|------------------------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.04 CFS              | 0.6 AF                             |
| IRRIGATION            | 04/01 to 10/31       | 0.08 CFS              | 10.0 AF                            |

**LOCATION OF POINT OF DIVERSION:**

GROUND WATER SE $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 12, Twp 03S, Rge 33E, B.M., BINGHAM County

**PLACE OF USE:** DOMESTIC

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 03S 33E 12  |    |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |        |

**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 |
| 03S 33E 12  |    |    |    |    |    |    |    | 2.5 |    |    |    |    |    |    |    |    | 2.5    |

Total Acres: 2.5

**CONDITIONS OF APPROVAL**

- Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
- Right 35-12871 is also diverted through the point of diversion described above.

MICROFILMED

JAN 9 9 1993

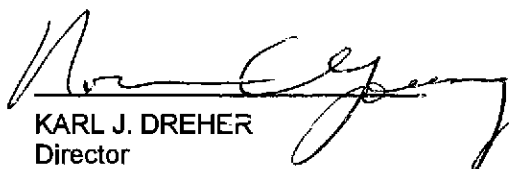
State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 35-08908

3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
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.

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 25<sup>TH</sup> day of NOVEMBER, 2002.

  
KARL J. DREHER  
Director

MICROFILMED

JAN 6 9 2003

RECEIVED

OCT 05 1998

For Office Use Only

\$25.00 Filing Fee

Receipt # E02487Date 9-29-1998

Department of Water Resources

State of Idaho

## DEPARTMENT OF WATER RESOURCES

## ASSIGNMENT OF PERMIT

To change the ownership of a permit

RECEIVED

SEP 25 1998

Department of Water Resources  
Eastern Region

I, Jerry Sly (Permit Holder), hereby assign to Charles or Daleen Hazelbrush  
 of 1251 W. Hwy 39, Blackfoot Id 83221 (208)684-4409  
 (Full Address and Phone Number)

All my right, title, and interest in and to Permit No. 35-08908  
 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

~~The following described portion of my right, title, and interest in and to  
 Permit No. \_\_\_\_\_ to appropriate the public waters of the State of Idaho.~~

~~Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision  
 point of diversion location, and the amount of water in cubic feet per second.~~

Made this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Jerry R. Sly

Permit Holder(s)

State of Idaho )

County of Ada ) ss

On this 25 day of August, 1998, personally appeared before me  
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.



My commission expires: \_\_\_\_\_

Kimberly A. Shelton  
 Notary Public

Jerry Sly  
 Signature

MICROFILMED

OCT 26 1998

RECEIVED

STATE OF IDAHO

DEC 12 1991

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

RECEIVED  
DEC 30 1991

The Idaho Department of Water Resources will consider this form as 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 Department of Water Resources completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 35-08908 Telephone No. 208-684-3720

2. Name(s) of Permit Holder(s): Jerry Sly

3. Post Office Address: 1251 W. Hwy. 39 Blackfoot, ID. 83321

4. Source of Water: Domestic Well

a. If ground water, well driller's name: <sup>785-1588</sup> JACK CUSHMAN Date drilled: 1967

b. Pump horsepower: 7 1/2 Pressure (psi): 60 Dynamic pumping level (ft.): 50 FT

5. Extent of Use:

Domestic 2 (No. of households) Irrigation 4.5 (No. of acres) 2 ac. pasture

Stockwater NONE (No. and type of stock) Other 2.5 ac. lawn

6. Total rate and/or volume for which proof is submitted .12 cfs 42 acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes ☒ No Installed? Yes ☐ No

OR

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

8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

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

Jerry Sly 208-684-3720  
Name Telephone No.

1251 West Hwy. 39 Blackfoot ID. 83321  
Address

10. 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.

12/5/91  
Date

Jerry Sly  
Signature (and title if on behalf of a company or organization)

JAN 16 1992

State of Idaho  
Department of Water Resources  
**Permit To Appropriate Water**

NO. 35-08908

Proposed Priority: July 12, 1990      Maximum Diversion Rate: 0.12 CFS  
This is to certify, that JERRY SLY

GERALDINE SLY  
1251 W. HWY 39  
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            | 04/01 to 11/01       | 0.08 CFS                 |
| DOMESTIC              | 01/01 to 12/31       | 0.04 CFS                 |
|                       | Totals               | 0.12 CFS                 |

LOCATION OF POINT(S) OF DIVERSION:      SENW      Sec. 12, Township 03S, Range 33E  
BINGHAM County

| <u>PLACE OF USE:</u> | <u>IRRIGATION</u> |              |              |              |
|----------------------|-------------------|--------------|--------------|--------------|
| <u>TWN RGE SEC</u>   | <u>ACRES</u>      | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
| 03S 33E 12           | SENW 2.5          |              |              | 2.5          |

Total number of acres irrigated: 2.5

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 January 1, 1992.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. 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.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
7. Domestic use is for 1 home.

**MICROFILMED**

JAN 04 1991

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 35-08908

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

31<sup>st</sup> day of December, 1990.

*R. Keith Higginson*  
for R. Keith Higginson, Director

**MICROFILMED**

JAN 04 1991

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Jerry or Geraldine Sly Phone 684-3720

Post office address 1251 W Highway 39 Blackfoot Idaho 83401 83221

2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_

3. Location of point of diversion is \_\_\_\_\_ 1/4 of SE 1/4 of NW 1/4, Govt. Lot \_\_\_\_\_

Sec. 12 Township 3 South Range 33 East B.M. Byham County; additional  
points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount .08 for Irrigation purposes from 1 April to 1 Nov (both dates inclusive)  
(cfs or acre-feet per annum)

Amount .04 for Domestic purposes from 1 January to 31 Dec (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) .12 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 a sprinkler system  
and 1 household

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. <sup>Existing</sup> Proposed well diameter is 6" inches; <sup>Existing</sup> proposed depth of well is 150' 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).

MICROFILMED

JAN 04 1991

**DECLASSIFIED**

applicant to make this filing.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

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

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

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

2.5 Total number of acres to be irrigated

[illegible]

ponding place of use below. See instructions for standard symbols.

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

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

9. Description of place of use:

e. Other, describe fully.

d. Domestic; show number of households.

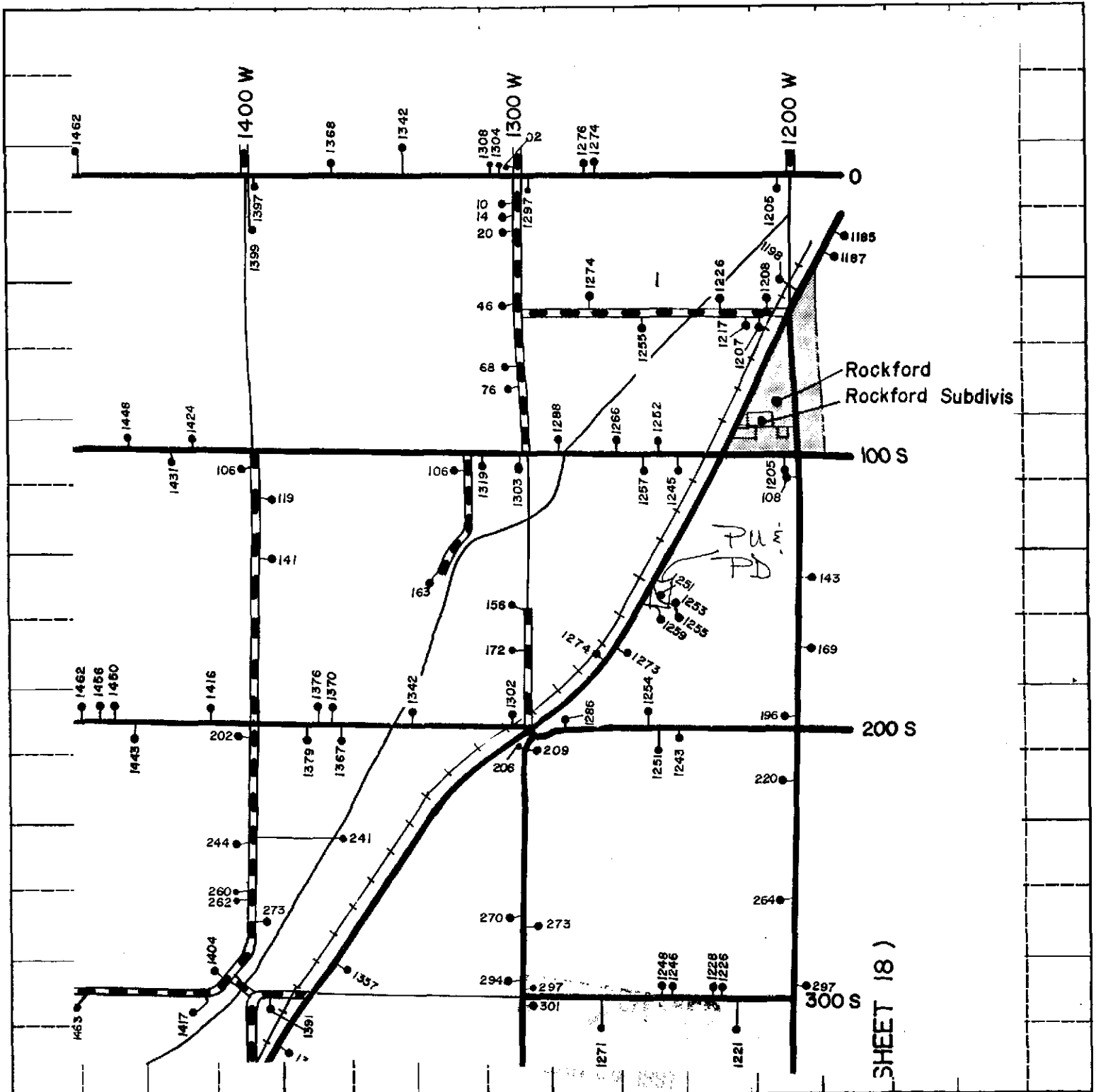
c. Municipal; show name of municipality.

b. Stockwatering; list number and kind of livestock.

a. Hydropower; show total feet of head and proposed capacity in kW.

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

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.

*Gerrie Sly*  
(Applicant)

RECORDED  
JAN 04 1991

e. Other:

- 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.
- 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.

\_\_\_\_\_, 19\_\_\_\_.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

Idaho No. \_\_\_\_\_, and said application is hereby \_\_\_\_\_.

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

# ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

|                         |       |             |            |              |              |                      |         |
|-------------------------|-------|-------------|------------|--------------|--------------|----------------------|---------|
| Received by             | DMD   | Date        | 7/12/90    | Time         | 9:30         | Preliminary check by |         |
| Fee \$                  | 30.00 | Received by | ZK         | #            | 6014983      | Date                 | 7/12/90 |
| Publication prepared by | RB    | Date        | 10-4/11-90 | Published in | Morning News |                      |         |
| Publication approved    | ad    | Date        | 10-25-90   |              |              |                      |         |

DEPT. OF WATER RESOURCES  
150 Shoup Ave., Suite 15  
Idaho Falls, Idaho 83402  
(208) 525-7161

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

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

**35-08903**

DRISCOLL, Wallace W.  
DRISCOLL, Maurine D.  
2459 West 1100 South  
Aberdeen, Idaho 83210  
Source: GROUNDWATER  
Diversion Pt: NWNENW, Sec. 1, T. 05S, R.  
31E.  
Use: IRRIGATION (1.440 CFS).  
Total Diversion: (1.440 CFS).  
Date Filed: 8/7/1990.  
In: T04S, R31E, S36, Lot 3 (NESE), NWSE.  
SWSE, Lot 4 (SESE).  
72.0 ACRES TOTAL.

**35-08905**

GARDNER, Ivan E.  
16 W. River Road  
Blackfoot, Id. 83221  
Source: GROUNDWATER  
Diversion Pt: NWSW, Sec. 14, T. 02S, R.  
35E.  
Use: IRRIGATION (1.140 CFS).  
Total Diversion (1.140 CFS).  
Date Filed: 8/7/1990.  
In: T02S, R35E, S14, NESW, NWSW.  
SWSW, SESW.  
57.0 ACRES TOTAL.

**35-08906**

NONPAREIL PROCESSING CORP.  
40 N. 400 W.  
Blackfoot, Idaho 83221  
Source: GROUNDWATER  
Diversion Pt: SESWSE, Sec. 28, T. 02S, R.  
35E.  
Use: IRRIGATION (2.200 CFS).  
Total Diversion (2.200 CFS).  
Date Filed: 8/3/1990.  
In: T02S, R35E, S28, SWSE, SESE, S33,  
NENE, NWNE, SWNE, NENW, SENW, NESW,  
NWSE.  
210.0 ACRES TOTAL.

**35-08907**

USA FERTILIZER  
120 N. 12th  
Pocatello, Idaho 83201  
Source: GROUNDWATER  
Diversion Pt: NENW, Sec. 31, T. 02S, R.  
35E.  
Use: COMMERCIAL (1.000 CFS).  
Total Diversion: (1.000 CFS).  
Date Filed: 7/25/1990.  
In: T02S, R35E, S31, NENW.

**35-08908**

SLY, Jerry  
SLY, Geraldine  
1251 W. Highway 39  
Blackfoot, Idaho 83221  
Source: GROUNDWATER  
Diversion Pt: SENW, Sec. 12, T. 03S, R.  
33E.  
Use: IRRIGATION (.080 CFS).  
DOMESTIC (.040 CFS).  
Total Diversion (.120 CFS).  
Date Filed: 7/12/1990.  
In: T03S, R33E, S12, SENW.  
2.5 ACRES TOTAL.

**35-08909**

IDAHO POTATO PACKERS CORP.  
40 N. 400 W.  
Blackfoot, Idaho 83221  
Source: GROUNDWATER  
Diversion Pt: SWSWSE, Sec. 28, T. 02S, R.  
35E.  
Use: COMMERCIAL (.060 CFS).  
Total Diversion: (.060 CFS).  
Date Filed: 8/3/1990.  
In: T02S, R35E, S28, SWSE.

**35-08910**

IDAHO POTATO PACKERS CORP.  
40 N. 400 W.  
Blackfoot, Idaho 83221  
Source: GROUNDWATER  
Diversion Pt: NESE, Sec. 32, T. 02S, R.

**AFFIDAVIT of PUBLICATION**

County of Bingham )

State of Idaho )  
I, Jacqueline Graham )

do  
solemnly

swear that I am the Legal Coordinator 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  
4th day of October, 1990;

and the last publication having been made on the  
11th day of October, 1990;  
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 17th day of October, in  
the year 1990, before me a Notary Public of said State,  
personally appeared

Jacqueline Graham  
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.

Raye K. Taylor  
Notary Public for the State of Idaho,  
Residing at Blackfoot, Idaho  
My commission expires  
November 10, 1994

Affidavit Processing Fee..... \$5.00

WR 35-8908

*Journal of Management Education* 30(6)

IDAHO DEPARTMENT OF WATER RESOURCES

P.O. Box 83720  
 Seattle, ID 83720-0000  
 (208) 327-7800

CHARLES HAZELBRUSH  
DALEEN HAZELBRUSH  
1251 W HWY 39  
BLACKFOOT ID 83221

HAZE251 83221209Z IN 07 12/03/02  
RETURN TO SENDER

NO FORWARD ORDER ON FILE  
UNABLE TO FORWARD  
RETURN TO SENDER

[illegible]
$$\frac{K}{\rho}$$



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

November 25, 2002

CHARLES HAZELBRUSH  
DALEEN HAZELBRUSH  
1251 W HWY 39  
BLACKFOOT ID 83221

RE: License No. 35-8908 - 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:klf

Enclosure(s)

MICROFILMED

JAN 09 2003

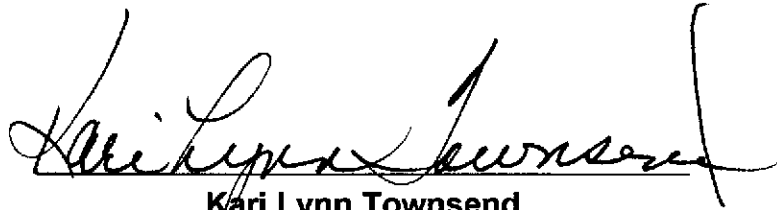
## **CERTIFICATE OF SERVICE**

I hereby certify that on November 25, 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.**

**35-8908**

**CHARLES HAZELBRUSH  
DALEEN HAZELBRUSH  
1251 W HWY 39  
BLACKFOOT ID 83221**

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

**Kari Lynn Townsend  
Secretary**

**MICROFILMED**

**JAN 9 9 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  
JAN 03 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. 35-8908 Date: 11-20-02 Reviewer: Kay Walker

Change/OK

Name/Address

Source

Point of Diversion:

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

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

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): p/d OL w/35-12871

File reviewed Profile reports printed

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

Rate of Diversion:

Permitted rate 0.12 cfs

Fee Limit 0.20 cfs

Measured 0.25 cfs

Theoretical 0.25 cfs

Recommended Total Diversion Rate 0.12

Water Uses

OK Change (P46)

Season of Use per new Standards

4/1 10/31

Irrigation 0.08 cfs 10.0 af

Stockwater 0.04 cfs 0.4 af

Domestic 0.04 cfs 0.4 af

0.12 cfs 10.4 af

Total 0.12 cfs 10.4 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

0.12 cfs x 1.9835 x 24 days = 50.9 af (vs) 2.5 acres x 4.0 (FHR) = 10.0 af

3.0 (con)

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 If yes, explain why below.

no

SRBA Claim? NO -

Adjust memo                     

Amend Letters                      P87, S06

Second Amendment Notice                      S06



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

July 29, 2002

EVAN & SANDI DANCE  
& RICHARD ROSE  
1251 W HWY 39  
BLACKFOOT ID 83221

RE: PERMIT NO. 35-08908

Dear Water Users:

The Department of Water Resources is reviewing the above referenced permit prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. We have been advised that you are now the owners of the property under this water right permit.

This permit is still in the name of Charles or Daleen Hazelbrush and we need to have an assignment of this permit from them, to you, in order to change the name. In Idaho a permit is considered personal property and in order for us to change our records we require an "Assignment of Permit" form along with a \$25.00 filing fee. Please submit the completed assignment form and filing fee within the next 30 days.

If you cannot locate Mr. or Mrs. Hazelbrush to sign the form, please complete the enclosed "Notice of Change of Water Right Ownership" form and return it to our office, with a copy of the deeds showing the property now belongs to you, and the \$25.00 filing fee within the next 30 days.

If you have any questions in regard to this matter, please do not hesitate to contact me at (208)327-7944.

Sincerely,

KAY WALKER  
Sr. Water Resource Agent

MICROFILMED

JAN 9 9 2002

KW:k  
Enclosures

8-28-02  
Evan Dance called-  
Did not realize WR  
was reg'd - had no idea  
there was a permit on  
this property - will  
submit paperwork.  
KW

RECEIVED

JUL 22 2002

Permit No: 35-8908

Page 1  
Department of Water Resources

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

**A. GENERAL INFORMATION**

Permit No: 35-8908

Exam Date: 7/8/2002

1. Current Owner: DALEEN HAZELBRUSH  
1251 W HWY 39  
BLACKFOOT ID 83221  
(208)684-4409

UNAVAILABLE

CHARLES HAZELBRUSH  
1251 W HWY 39  
BLACKFOOT ID 83221  
(208)684-4409

2. Accompanied by: RICHARD ROSE

Phone No:

Address: 1253 W HWY 39

Relationship to Permit Holder: CO-OWNER WELL

3. **SOURCE**

**TRIBUTARY**

GROUND WATER

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use:
2. Other water rights with the same point of diversion: 35-12871 D/S

**C. DIVERSION AND DELIVERY SYSTEM**

1. **LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER

SE1/4NW1/4

Sec. 12, Twp 03S, Rge 33E, B.M.

BINGHAM County

Method of Determination: FIELD REVIEW/GIS/NAPP PHOTO

2.

**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 |        |
| 03S | 33E | 12  |    |    |    |    |    |    |    | 2.5 |    |    |    |    |    |    |    |    | 2.5    |

Total Acres: 2.5

**DOMESTIC same as IRRIGATION**

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JAN 09 2003

well 8"/pump 7.5hp Franklin Electric  
 super 6 submersible pump to sprinklers (lawns)  
 and 2 homes. Pressure tanks

new owners [ 1251 W Hwy 39 - <sup>EVAN</sup> Sandi Dance  
 1253 W Hwy 39 - Richard Rose

35-12871 - decreed domestic

this permit 1 home

$$\text{CFS} = \frac{7.5 \text{ hp } (6.16)}{50' + 2.31(60 \text{ psi})} = 0.24 \text{ CFS}$$

(T.C.)

\* The Hazel brush's are unavailable.

Recommend licensing this right and  
 then get ownership changed. Sent license

C/O Evan & Sandi Dance  
 Juf

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 JAN 9 9 2003

## Method of Determination:

3. ☐ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- ☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- ☐ Aerial Photo Attached (required for irrigation of 10+ acres).
- ☒ Photo of Diversion and System Attached

4.

| <u>Well or Diversion<br/>ID No.*</u> | <u>Motor Make</u> | <u>Hp</u> | <u>Motor Serial No.</u> | <u>Pump Make</u> | <u>Pump Serial No. or Discharge<br/>Size</u> |
|--------------------------------------|-------------------|-----------|-------------------------|------------------|----------------------------------------------|
|                                      | Franklin Ele      | 7.5hp     | 2822019303              |                  |                                              |
|                                      |                   |           |                         |                  |                                              |
|                                      |                   |           |                         |                  |                                              |

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

## D. FLOW MEASUREMENTS

1.

| <u>Measurement<br/>Equipment</u> | <u>Type</u> | <u>Make</u> | <u>Model No.</u> | <u>Serial No.</u> | <u>Size</u> | <u>Calib. Date</u> |
|----------------------------------|-------------|-------------|------------------|-------------------|-------------|--------------------|
|                                  |             |             |                  |                   |             |                    |
|                                  |             |             |                  |                   |             |                    |

2. Measurements:

capacity of well exceeds permit amounts  
use theoretical calculation

## E. FLOW CALCULATIONS

Measured Method:

☐ Additional Computation Sheets Attached

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JAN 09 2003

**F. VOLUME CALCULATIONS**

## 1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2.5A \times 4 = 10 \text{ AF/A}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 32 \text{ AF/A}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 10 \text{ AF/A}$$

## 2. Volume Calculations for Other Uses:

Domestic Home (no lawn) . 6 AF/A

**G. NARRATIVE/REMARKS/COMMENTS**

Have conditions of permit approval been met? ☒ Yes ☐ No

**H. RECOMMENDATIONS**

## 1. Recommended Amounts

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| DOMESTIC              | 1/01 to 12/31        | 0.040 CFS             | .6 AF/A              |
| IRRIGATION            | 4/01 to 10/31        | 0.080 CFS 0.075 cfs   | 10.0 AF/A            |
| <u>Totals:</u>        |                      | 0.120 CFS 0.1175      | 10.60 AF/A           |

## 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

DAVE CARLSON

Date

7/15/2002

Reviewer

H. J. J. J.

Date

7-16-02

MICROFILMED

JAN 09 2003

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-12871

WATER RIGHT NUMBER: 35-12871

| <u>Owner Type</u> | <u>Name and Address</u>                                                |
|-------------------|------------------------------------------------------------------------|
| Current Owner     | JERRY SLY<br>1251 W HWY 39<br>BLACKFOOT, ID 83221<br>(208)684-3720     |
| Current Owner     | GERALDINE SLY<br>1251 W HWY 39<br>BLACKFOOT, ID 83221<br>(208)684-3720 |

Priority Date: 06/01/1965

Basis: Decreed

Status: Active

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

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| DOMESTIC                | 1/01 to 12/31         | 0.040 CFS             |                      |
| <u>Total Diversion:</u> |                       | 0.040 CFS             |                      |

Location of Point(s) of Diversion

|                |            |                                 |
|----------------|------------|---------------------------------|
| GROUND WATER   | SE1/4NW1/4 | Sec. 12, Twp 03S, Rge 33E, B.M. |
| BINGHAM County |            |                                 |

Place of Use

DOMESTIC

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 03S | 33E | 12  |    |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |        |

Conditions of Approval:

- N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

- Explanatory PARCEL NO. RP 0133702

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JAN 9 9 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-12871

Comments:

1. CARLSON 8/18/1992 FLAG CHANGE

Comment: CHANGED FLAG FROM T TO P AFTER DANNI ADDED RECEIPT

2. DS-PRODM 3/26/1997 D&S STK-BLM UPDATE

Comment: USE-NOT-IRRIGATION FIELD TEXT NOT CHANGED CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD. ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Dates and Other Information:

Licensed Date:

Decreed Date: 11/28/1997

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Formal Action Date:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

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

MICROFILMED

149 0 0 2003

35-08908

T3S, R33E sec 12



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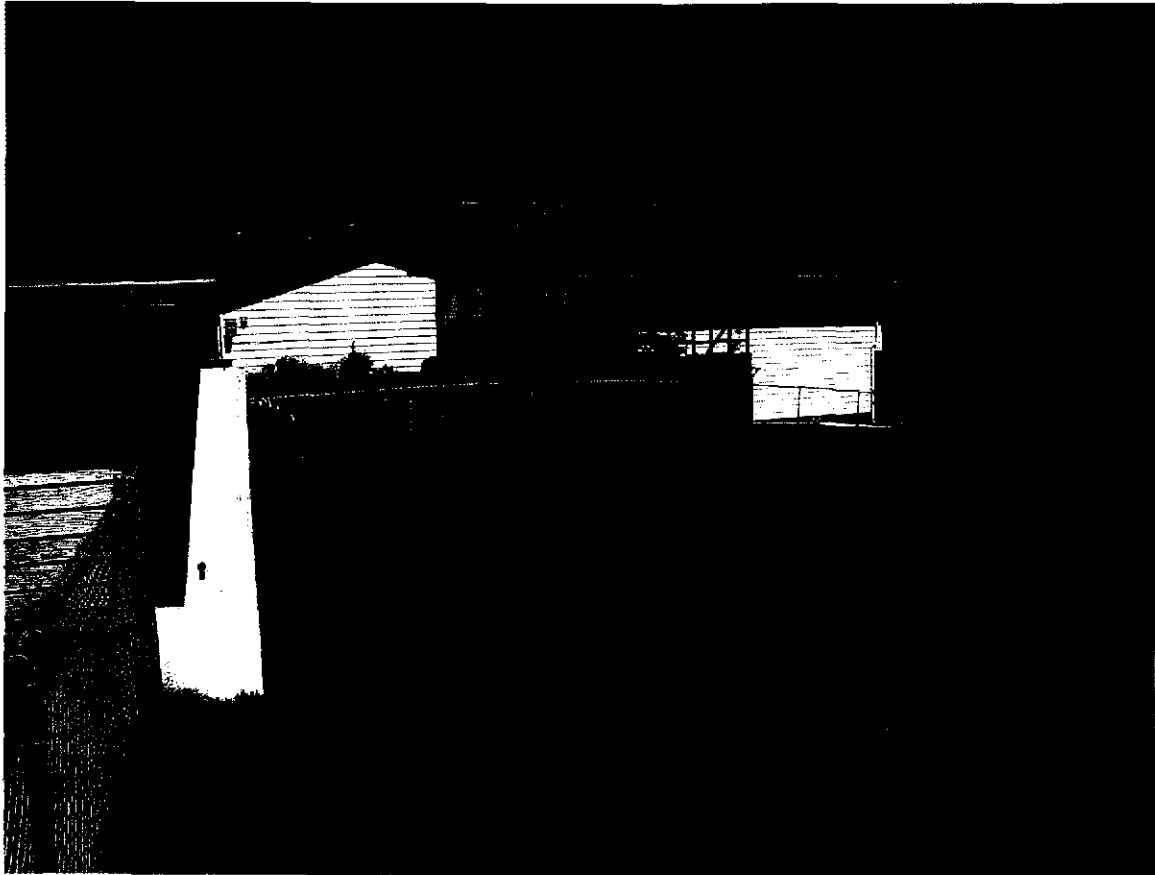
JAN 09 2003



35-8908 well / pressure tank

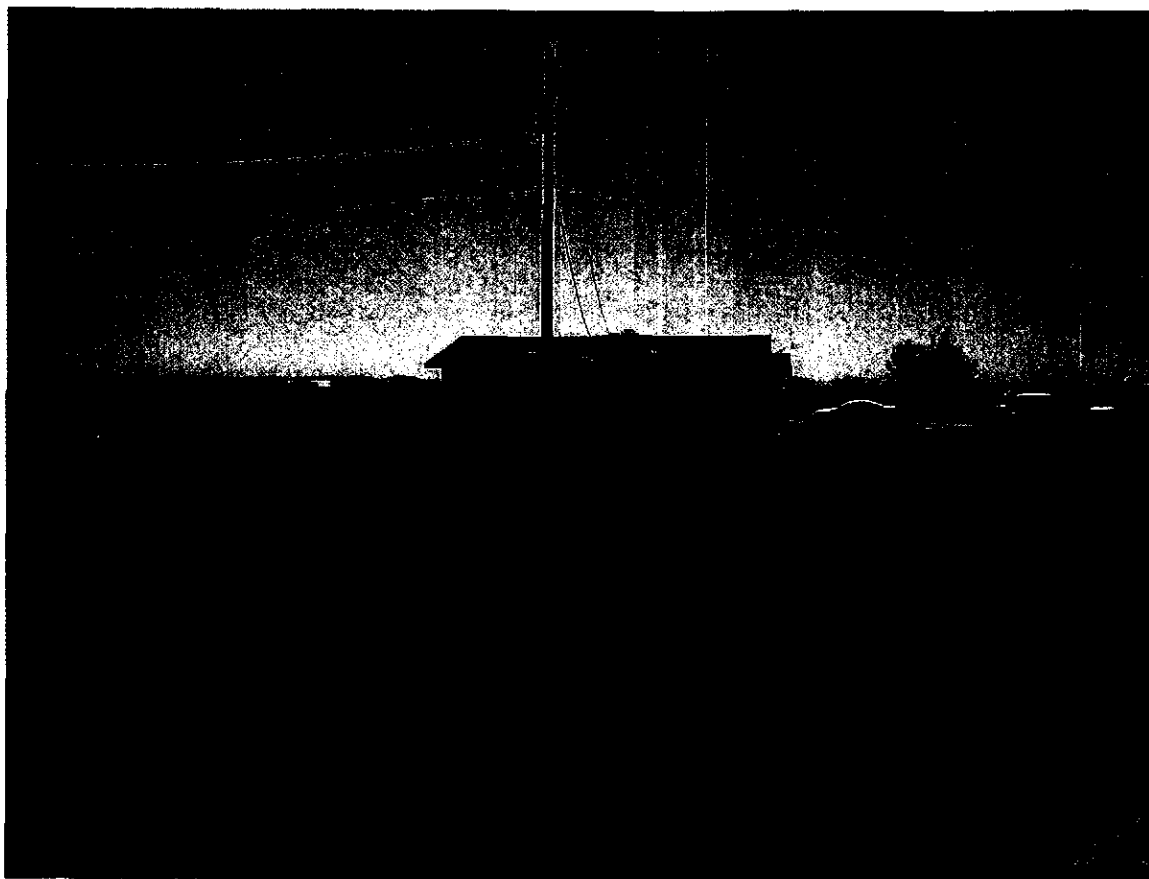
MICROFILMED

JAN 9 9 2003



35-8908 well house looking at  
1251w Hwy 38 - DANCES

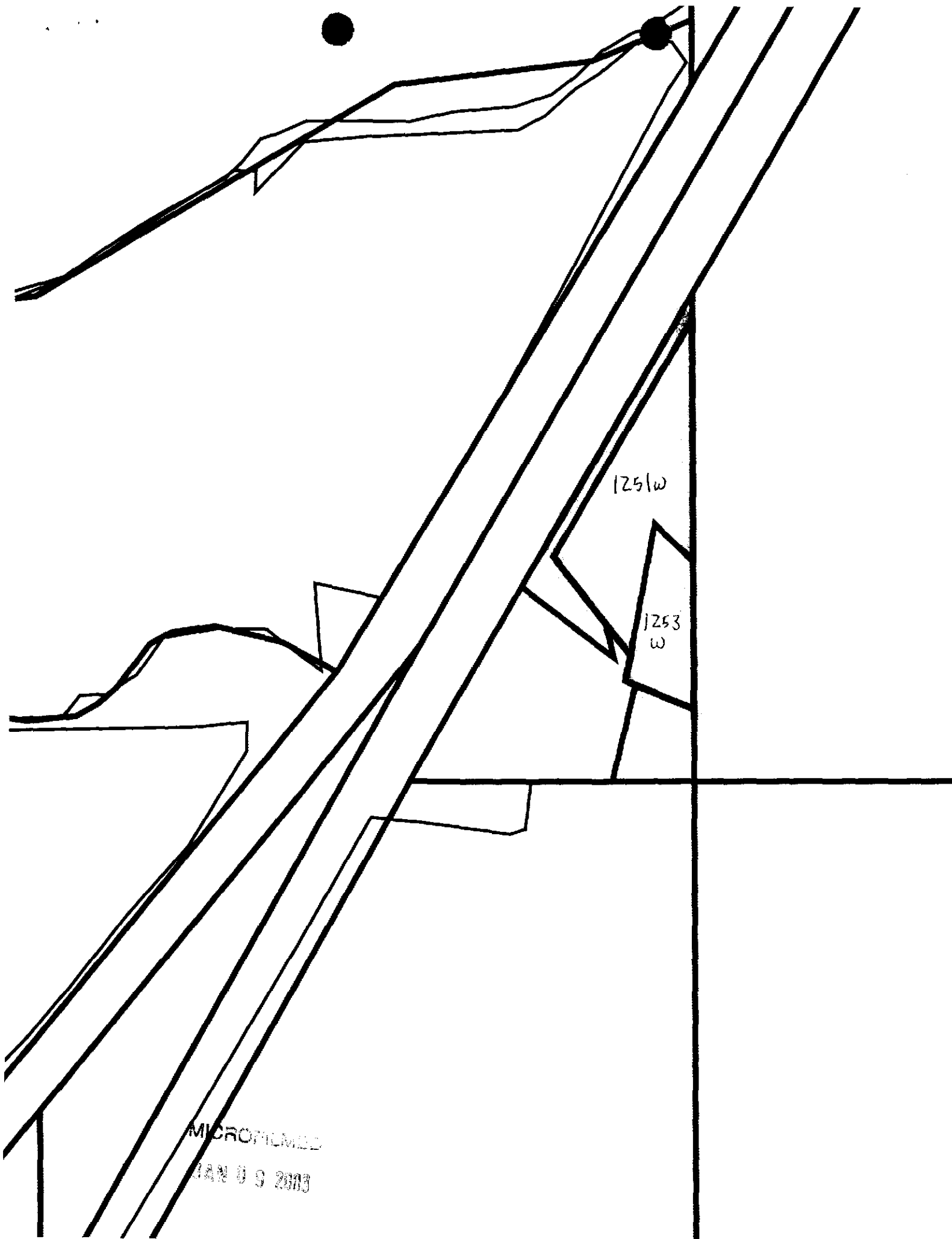
MICROFILMED  
189 0 9 2003



35-8908 well house looking at  
1253w Hwy 38 -Trose

MICROFILMED

1990 04 2003



MICROFILMED  
JAN 09 2013



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

October 8, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

CHARLES HAZELBRUSH  
DALEEN HAZELBRUSH  
1251 W HWY 39  
BLACKFOOT ID 83221

RE: ASSIGNMENT OF PERMIT 35-08908

Dear Dear Mr. & Mrs. Hazelbrush:

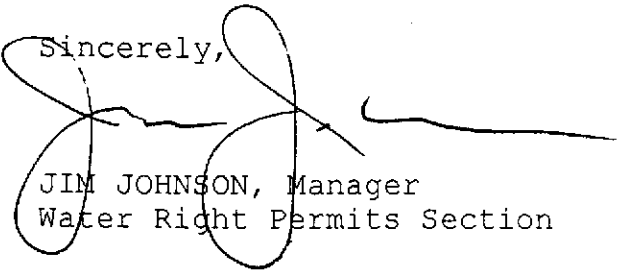
We acknowledge receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership. A computer generated report is enclosed for your information.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR** TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify 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 to obtain the proper reporting form.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,



JIM JOHNSON, Manager  
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED

OCT 26 1998

December 31, 1991

JERRY SLY  
GERALDINE SLY  
1251 W. HWY 39  
BLACKFOOT ID 83221

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08908

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,

Karen L. Gustafson  
Secretary/Records Manager

c: IDWR - Region

RECEIVED  
JAN 16 1992

ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE

Permit No. 35-08908 Reviewed by Lig Date 12/17/91

GENERAL CONSIDERATIONS

yes Name same as permit?  
yes Address same as permit?  
yes Proof timely received? If not, complete calculation below.

SOURCE OF WATER

       Surface water source  
✓ Ground water source  
NA Drilling permit required?  
1967 ✓ Copy in the file? Drilling Permit No.         
✓ Amount paid for permit        Correct?  
✓ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?  
\$30 Amount Submitted  
no yes Correct?

MEASURING DEVICE

NA Required?  
✓ Installed?  
✓ Waiver requested?

PRIORITY CALCULATION

Date proof received NA  
Date proof due        -         
No. of days late        =         
Priority Date        +         
New Priority Date ✓

DEFICIENCIES OR ACTION ITEMS

needs a P/A to fee - explain - single domestic + irrigation -  
also permit issued for .12  
  
proof acceptable

DATA ENTRY

New Address       

Proof Made 12/12/91  
12/31/91 Lig



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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

December 17, 1991

Jerry Sly  
1251 West Highway 39  
Blackfoot, ID 83321

Re: Permit No. 35-08908

Dear Permit Holder:

Returned is the proof of beneficial use you submitted in connection with the above referenced permit.

The Department has determined that the permit holder must meet three requirements in order to be exempt from the license exam fee. They are:

1. The water right must use a groundwater source.
2. The rate of diversion must be .04 cfs or less.
3. The extent of use must be for one domestic household purpose only.

As you can see, you do not meet requirement #3 since your extent of use is also for irrigation purposes. Therefore, a license examination fee of \$50 applies to your permit. Also, please note that your permit was issued for .12 cfs. The license exam fee for .04 and .12 cfs is \$50. Therefore, it is my recommendation that you apply for the greater amount.

In order to comply with the mandatory dates, please return the proof of beneficial use and the \$50 license exam fee within 30 days of the date of this mailing.

If you have any questions or if I can be of any further assistance, please feel to contact me.

Sincerely,

*Karen L. Gustafson*  
Karen L. Gustafson  
Secretary/Records Manager

RECEIVED  
JAN 16 1992

138/51  
October 31, 1991

JERRY SLY  
GERALDINE SLY  
1251 W. HWY 39  
BLACKFOOT ID 83221

PROOF DUE NOTICE

RE: PERMIT NO. 35-08908

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

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

SINCERELY,

Nina Shields  
Secretary/Records Manager

Enclosures

RECEIVED  
JAN 16 1992



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 3, 1991

JERRY SLY  
GERALDINE SLY  
1251 W. HWY 39  
BLACKFOOT, ID 83221

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 35-08908

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.

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. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

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.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well

**RECEIVED**

JAN 04 1991

so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:blm

Enclosures

MICROFILMED

JAN 24 1991

APPLICATION FOR PERMIT REVIEW

Application #: 35-8908  
Date: 12-20-90

Reviewer: Pam Skaggs

Existing:

No - 26A-P17  
Complete in 1 year - P16 ✓

Yes

Proof not submitted - P16  
Proof submitted - N/A

Groundwater:

GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)  
LT. 0.7 cfs - N/A ✓

Drilling Permit:

Approved w/permit - P99  
Not included - 046-P23(All GW, even existing wells)

Location:

Water Districts - WD No. 01  
Surface water - 005, 005-01H-P01(LT.7 w/pump)  
005-01J-P08(GT.7)  
Groundwater - P05  
Irrigation Districts - 023  
Canal Co. Areas - 023  
Drainage Districts - 024  
Boise Front (63) - 058 (Groundwater)  
Swan Falls Flag - 1 (1 or Blank)  
Trust - 051-052-053-P74(Cons.), 041(DCMI)  
Non Trust - 048-049

River Basins:

(Surface Water) Water District Control Condition &....  
Boise (63) - 11D-P72  
Payette (65) - 047-P04, 059-P71  
Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 002-P06, 06A, 007, 09E-P10, 010, 042, 044  
Power - (less than 25cfs P18), 01F-P19, 08A(Req.),  
017K, 017G-017M(Choose One), 025  
Mining - 06A, 006, 09E-P10, 010, 54  
Storage - 18A-P09(In W.D.), 18B-P09(Size)  
Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

Minimum Stream Flow:

Overlapping uses - 029-P20

Beneficial Use Due Date: - 01-01-1992

Other Conditions Recommended \_\_\_\_\_

Form No. 202a  
4/87

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWT DATE 9-11-90 APPLICATION NUMBER 35 8908  
Jerry or Geraldine Sty  
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
- ☐ Yes ☐ No 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

RECEIVED  
OCT 29 1990

Department of Water Resources

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 \_\_\_\_\_

✓ 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 10-22-90  
☒ 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. \_\_\_\_\_

Date of priority recommended 7-12-90  
By 1465 Date 10-25-90

By \_\_\_\_\_ See below for additional information  
Date \_\_\_\_\_

### ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from:

|                                       |                                                  |                                              |
|---------------------------------------|--------------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> City         | <input type="checkbox"/> Idaho Fish & Game       | <input type="checkbox"/> Irrigation District |
| <input type="checkbox"/> County       | <input type="checkbox"/> Idaho Health & Welfare  | <input type="checkbox"/> Canal Company       |
| <input type="checkbox"/> Reservations | <input type="checkbox"/> Division of Environment | <input type="checkbox"/> Other _____         |

Project impacts/implications report

COMMENTS

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35-08908

SLY, JERRY  
SLY, GERALDINE  
1251 W. HWY 39  
BLACKFOOT, ID 83221

Source: GROUNDWATER

Diversion Pt: SENW Sec 12 T 03S R 33E

Use: IRRIGATION ( .080 CFS)  
DOMESTIC ( .040 CFS)  
Total Diversion: ( .120 CFS)

Date Filed: 7/12/ 1990

In: T03S R33E S12 SENW

2.5 ACRES TOTAL

35-08908

SLY, Jerry  
SLY, Geraldine  
1251 W. Highway 39  
Blackfoot, Idaho 83221  
Source: GROUNDWATER  
Diversion Pt: SENW, Sec. 12, T. 03S, R.  
33E.  
Use: IRRIGATION (.080 CFS).  
DOMESTIC (.040 CFS).  
Total Diversion (.120 CFS).  
Date Filed: 7/12/1990.  
In: T03S, R33E, S12, SENW.  
2.5 ACRES TOTAL.

MICROFILMED

JAN 04 1991

19-Sep-1990

JERRY OR GERALDINE SLY  
1251 W. HWY 39  
BLACKFOOT, ID 83221

RE: Application for Permit No. 35-8908

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 on OCTOBER 4 & 11, 1990. 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

MICROFILMED

JAN 04 1991