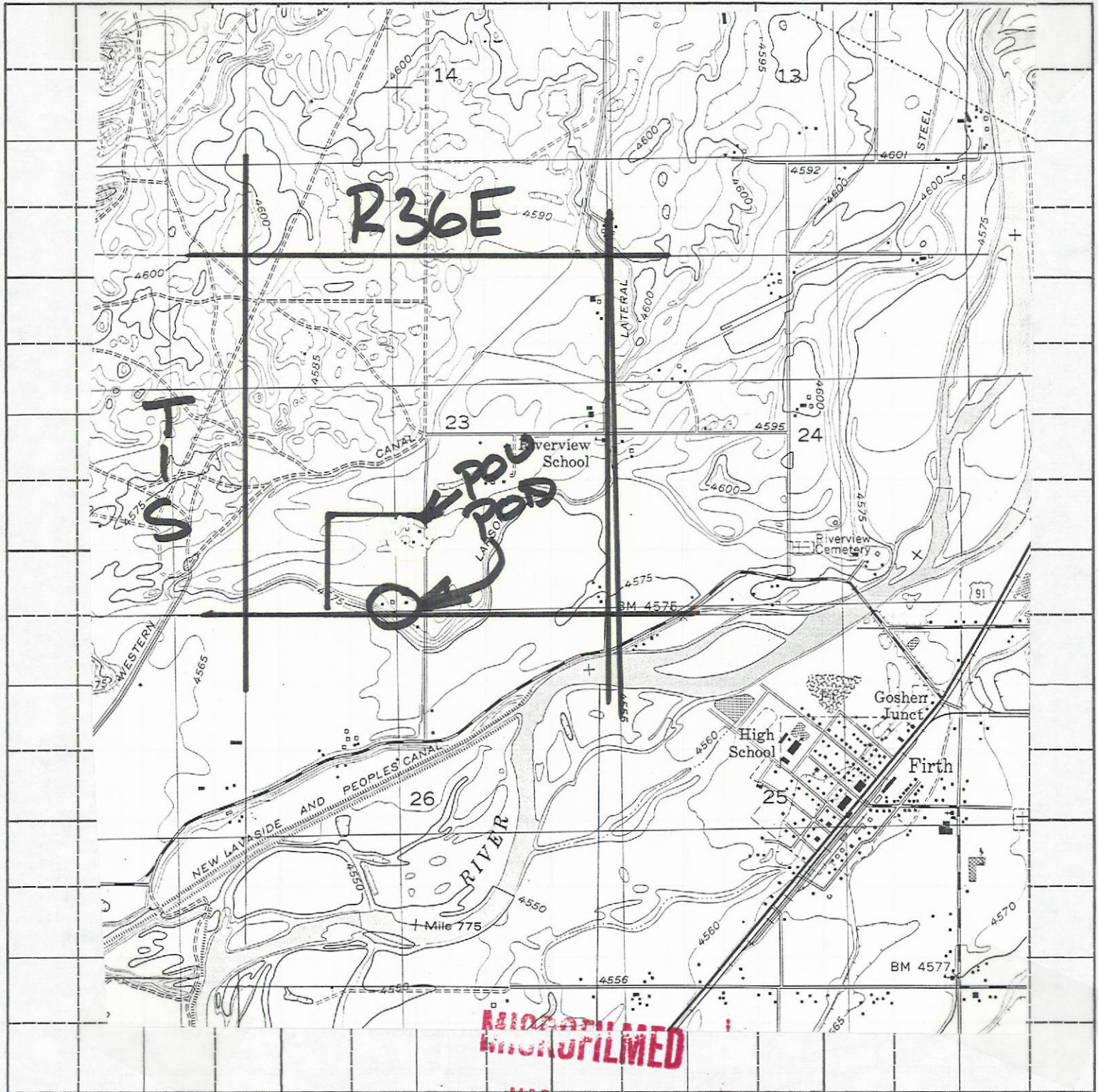


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

[Signature]
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 19 1994
Department of Water Resources

A. GENERAL INFORMATION

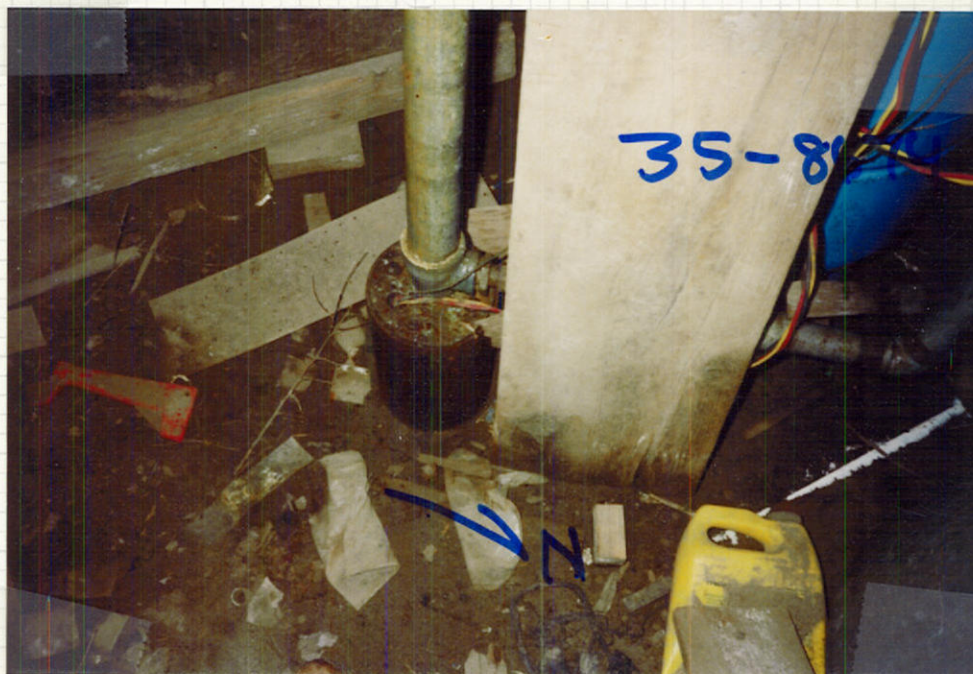
1. Owner: Frank J. and Linda Lee Fuell Permit No. 35-8674
Current Address: 802 N 450 E FIRTH, ID 83236 Phone No. 346-6726
2. Accompanied by: Robert Fuell EXAM. DATE: 08/05/91
Address: same Phone No. same
Relationship to Permit Holder: SON
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached
2. Other water rights with same point of diversion: A35-10068 (Domestic use)
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

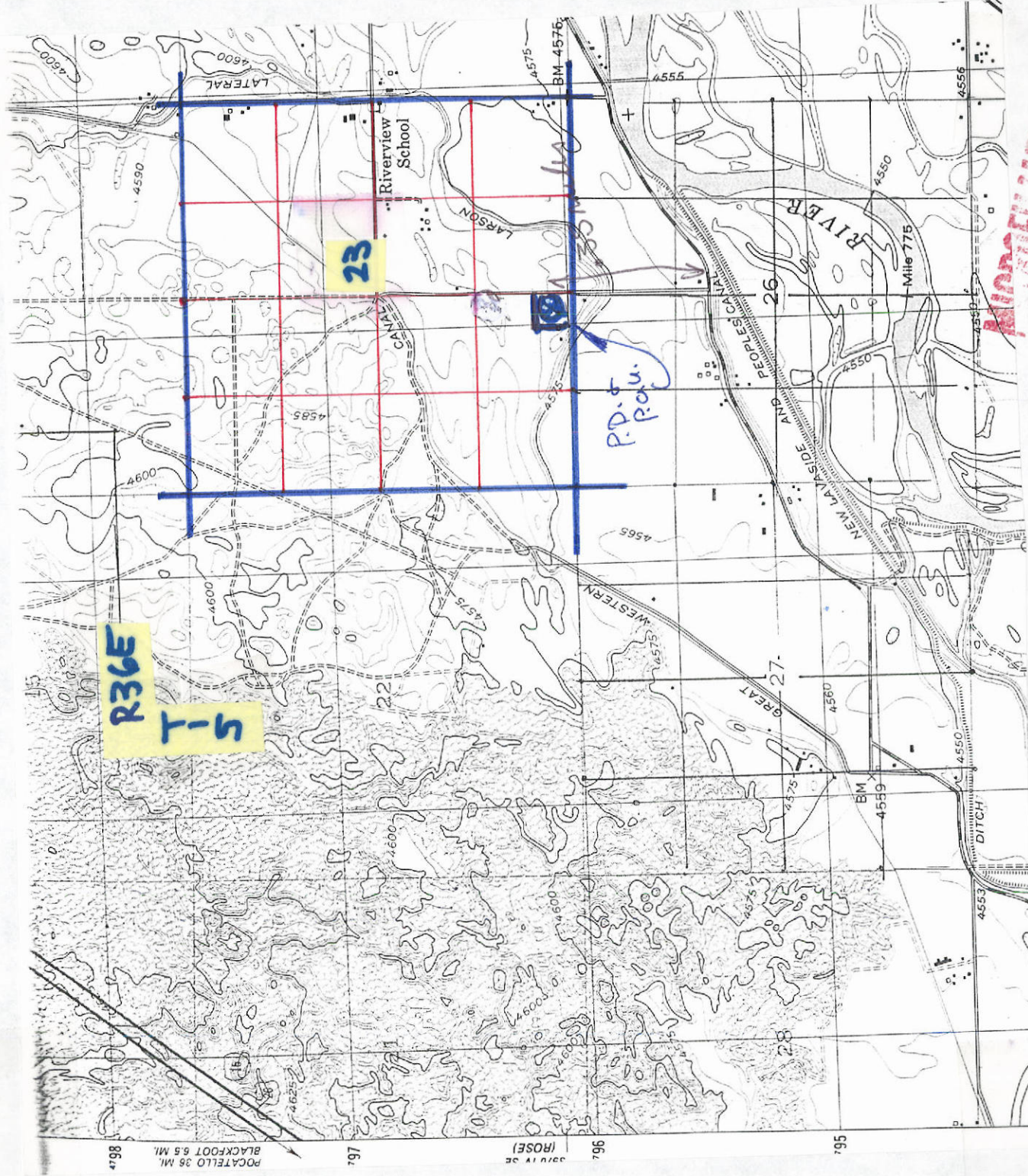
1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. 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 or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

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FEB 13 1995



FEB 13 1995

35-8674

R36E

T
1
S

2
150.5

2
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NREL
3.9

T277
2802

POINT OF DIVERSION
AND
PLACE OF USE

NREL
594

NREL
5
29.7

NREL
8
5.7

Z 9

22 23
27 26

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FEB 13 1995

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miles

35-8674

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6.0



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35-8674

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08674

Priority: August 30, 1988

Maximum Diversion Rate:

0.06 CFS

Maximum Diversion Volume:

18.0 AF

This is to certify, that FRANK J FUELL
LINDA LEE FUELL

802 N 450 E
FIRTH ID 83236

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 30, 1988; and has submitted Proof of Beneficial Use on July 11, 1990. 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	0.06 CFS	18.0 AF

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 23, Township 01S, Range 36E
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>
01S	36E	23	SESW	4.5		4.5

Total number of acres irrigated: 4.5

CONDITIONS/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.
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.

FEB 13 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08674

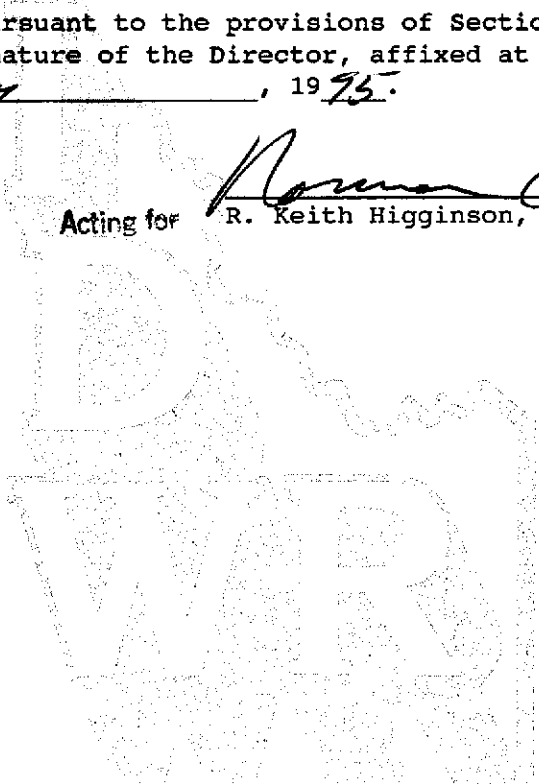
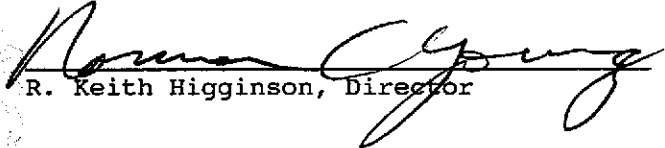
CONDITIONS/REMARKS:

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. This right uses the same well as Right 35-10068 and when combined with Right 35-10068 shall not exceed a diversion rate of .06 cfs.

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 30th day of JANUARY, 1995.

Acting for

R. Keith Higginson, Director



MAILED 110
FEB 13 1995

For Office Use Only
Amt. of Fee \$ 50.00
Date 7/11/90
Receipt No. 2017607
Received by J. J. Jaraman

RECEIVED
JUL 11 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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 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. P35-08674 Telephone No. 346-6726

Name(s) of Permit Holder(s): Frank J. Fuell, Linda Lee Fuell

Post Office Address: 802 N 450 E - 2nd

Source of Water: well

If ground water, well driller's name: unknown Date drilled: Sometime in 1930s when house built

Extent of Use:
Domestic 1 (No. of households) Irrigation 5 (No. of acres)
Stockwater chickens (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted 0.10 cfs 5 acre/feet

Show date water was first diverted and beneficially used under this permit: May 1990

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes X No Installed? Yes No

OR

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

Fee Enclosed: \$ _____ (See License Examination Fee Schedule)

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

Name _____ Telephone No. _____

Address _____

MICROFILMED

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 11 1990

4/30/90
Date

Linda Fuell
Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 35-08674

Proposed Priority: August 30, 1988 Maximum Diversion Rate: 0.10 CFS

This is to certify, that **FRANK J. FUELL**
LINDA LEE FUELL
802 N. 450 E.
FIRTH, ID 83236

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	0.10 CFS

LOCATION OF POINT(S) OF DIVERSION: SESESW Sec. 23, Township 01S, Range 36E
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>
01S	36E	23	SESW	5		5

Total number of acres irrigated: 5

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1991.
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 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. 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.

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MAR 09 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08674

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

6th day of March, 1990

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

MAR 09 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

35-8674
Ident. No. 35-8674

To appropriate the public waters of the State of Idaho

1. Name of applicant Frank J. or Linda Lee Fuel Phone 346-6726

Post office address 802 N. 450 E., Firth, Idaho 83236

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

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 23 Township 1S Range 36E B.M. Bingham County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.10 for irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.10 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing domestic well w/ pump to sprinkler
lines.

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.
existing existing
c. Proposed well diameter is 6" inches; proposed depth of well is 110' 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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MAR 09 1990

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. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- 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	
1S	36E	23											5						5

Total number of acres to be irrigated 5

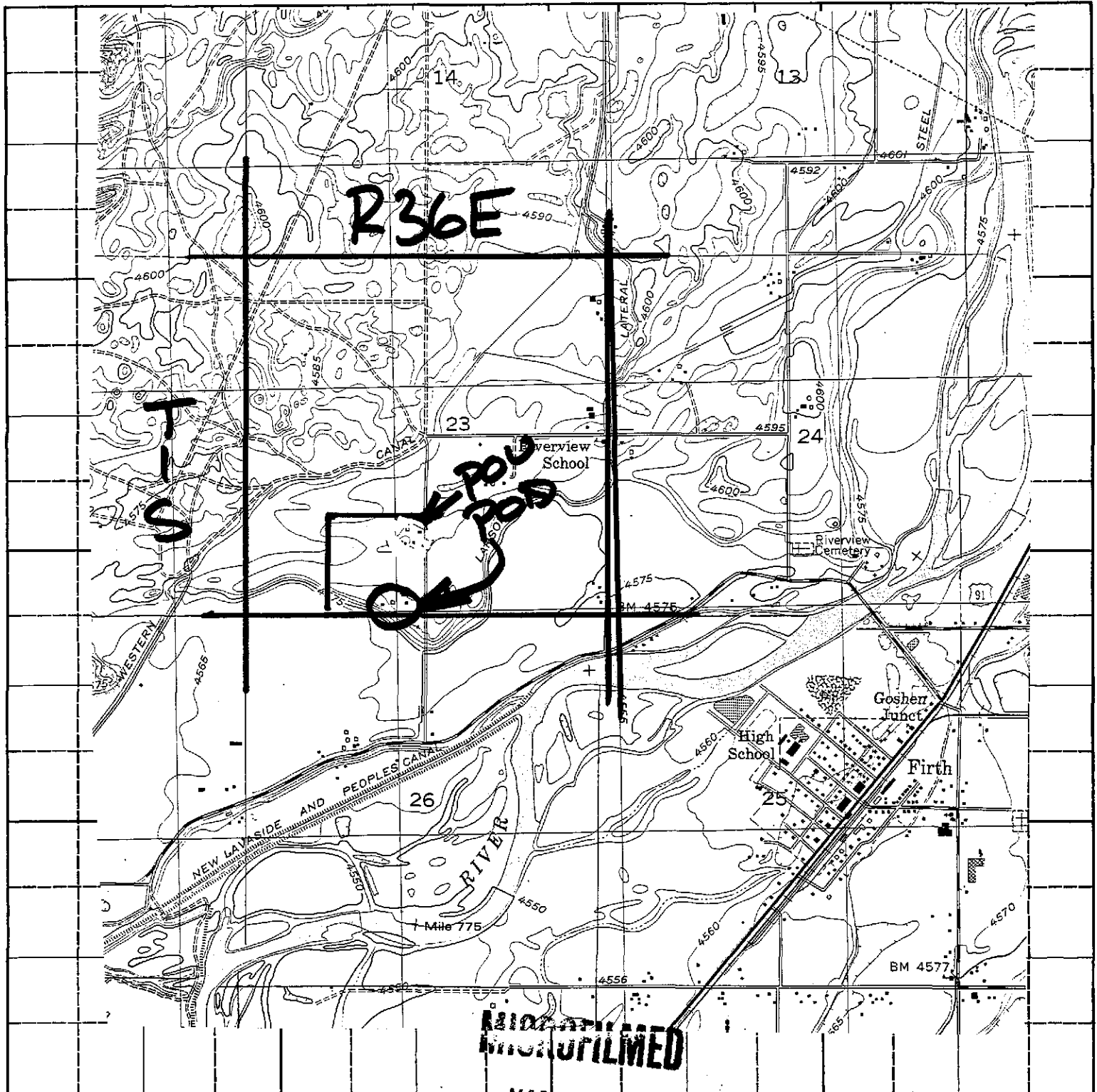
- Describe any other water rights used for the same purposes as described above. Domestic use from same well claimed by adjudication claim.
- Who owns the property at the point of diversion? Applicant
 - Who owns the land to be irrigated or place of use? Applicant
 - If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Well originally used for domestic purposes. Irrigation of farm was done with water from New Sweden Irrigation. In 1980 applicants purchased 5 acres of farm. (The New Sweden water had been lost prior to this date. In 1980 applicants began using well to irrigate the 5 acre pasture.

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MAR 09 1990

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.

MAR 09 1990

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.

[Signature]
(Applicant)

Associated with 11-2-88
Received by Jo Date 8-30-88 Time 4:37 P Preliminary check by T.O.
Fee \$ 30.00 Receipted by Jo # E 001932 Date 8-30-88
Publication prepared by LB Date 1-18-25-90 Published in Morning News
Publication approved (re) Date 2-12-90

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

MAR 09 1990



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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 1, 1995

FRANK J FUELL
LINDA LEE FUELL
802 N 450 E
FIRTH ID 83236

RE: WATER RIGHT NO. 35-08674

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

FEB 13 1995

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-08674 DATE 1-12-95



NAME	Yes ☐	No ☒	Or Address Change?
PRIORITY DATE	☐	☒	Advance? ☐ Advanced to: ☐ Order to reinstate needed? ☐ Incorrect fee for rate recommended? <u>NO</u>
SOURCE	☐	☒	Changes or just clarification of originally intended source? ☐ Notice of Intent to Void necessary? ☐
POINT OF DIV	☒	☒	Amendment needed? ☐ Overlaps? <u>A35-10068</u>
PLACE OF USE	☐	☒	Amendment needed? ☐ Overlaps? ☐
DIV RATE	☐	☒	Permit/fee limits: <u>.10 CFS</u> Meas Q = <u>4.5</u> Theo Q = <u>.06</u> Recommend: <u>.06</u> <u>4.5 x .02 = .09</u> Combined rates exceed capacity ☐
ANNUAL VOLUME	☐	☒	Season of use: <u>C/4.0 (4-1 to 10-31)</u> <u>NEW</u> Calculations: <u>4.5 x 4 = 18 gF</u> Flow limit: ☐ cfs x ☐ x 1.9835 = ☐ Combined volumes exceed capacity/allowable ☐
USES	☐	☒	Change in Nature of Use or additional uses? ☐ Amendment necessary? ☐
REMARKS	<u>WH1</u>	☒	Multiple p/d(s) in 1/4 1/4? ☐ Other <u>A35-10068/.06 CFS</u>
CONDITIONS	<u>B31</u>	☒	Measuring/Locking Devices ☐ Watermaster control - District ☐ Irrigation Overlap ☐ Water Quality ☒ Other <u>NON-TRUST</u> Heat/Cool/ Fish verified ☐

COMMENTS: REDUCE ACRES AND RATE TO CAPACITY. REMARK ON application
* Says they lost the NEW SWEDEN IRR DIST WATER prior to 1980.

RECOMMENDED	CFS	VOL	SRBA Claim Filed	<u>NO</u>
<u>Irrigation</u>	<u>.06</u>	<u>18.0</u>	Adjustment Memo Needed	<u>NO</u>
_____	_____	_____	LICENSE	☒
_____	_____	_____	1ST AMENDMENT LETTER	☐
_____	_____	_____	FINAL AMENDMENT LETTER	☐

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 19 1994
Department of Water Resources

A. GENERAL INFORMATION

1. Owner: Frank J. and Linda Lee Fuell Permit No. 35-8674
Current Address: 802 N 450 E FIFTH, ID 83236 Phone No. 346-6726
2. Accompanied by: Robert Fuell EXAM. DATE: 08/05/91
Address: same Phone No. same
Relationship to Permit Holder: SON
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: A35-10068 (Domestic use)
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. 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 or more).
- ☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

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System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

well, pump, 2 storage tanks, house, and
sacres irrigation

☐ See Remarks on page 4 for continuation

- 4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Myers	1 HP	—	—	1 1/2" discharge

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
					15	36E			
					SESW 23	15	36E	Bingham	USGS QUAD/onsite inspection

6. **Place(s) of Use:**

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15	36E	23												4.5					4.5

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FEB 13 1995

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
pressure gage		Ashcroft			0-100 psi	

2. Measurements:

static water level ~24' (according to permit holder)
operating pressure - 36 psig

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: Theoretical; $\frac{1 \text{ hp} \times 8.814 \times 0.7}{24' \text{ lift} + (36 \text{ psi} \times 2.308)} = \frac{6.1698}{107.088} = 0.0576 \text{ cfs}$

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 4.5 \text{ acres} \times 4 \text{ af} = 18 \text{ af}$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.06 \text{ cfs} \times 214 \text{ d} \times 1.9835 = 25.5$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 18 \text{ af}$

2. Volume Calculations for Other Uses:

18 af

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FEB 13 1995

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Domestic use listed under claim A35-10068

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irigation	4-1	10-31	0.06	18 af
Totals:			0.06 af	18 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

J. AUTHENTICATION

Field Examiner's Name ACONW PARIS

Signature Alauv

Certification Date _____

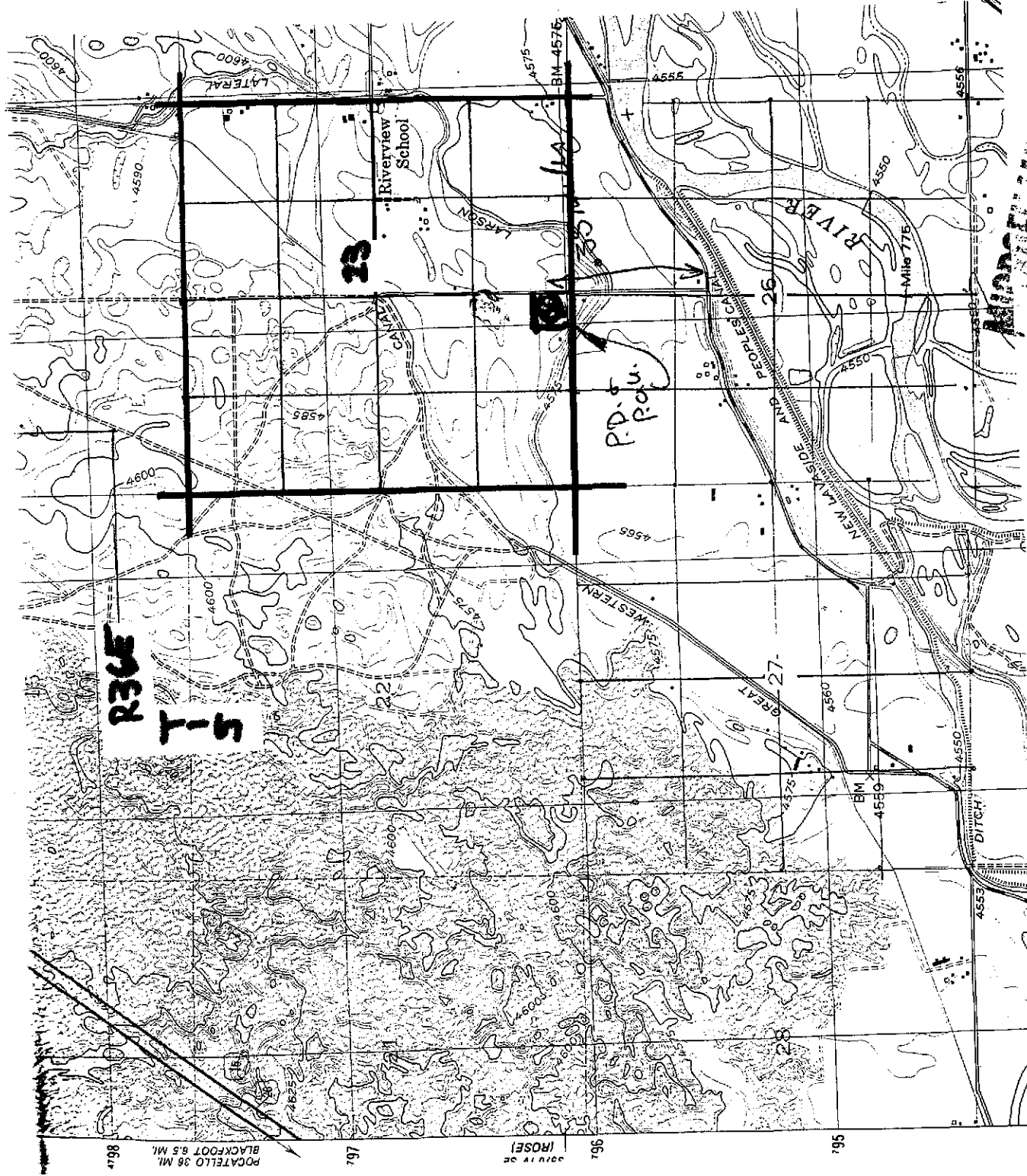
Field Report Preparation Date _____

CONSULTANT SEAL

- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

RECEIVED

FEB 13 1995



FEB 13 1995

35-8674

R36E

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2802

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1.2

22 23
27 26

Point of Diversion
AND
Place of Use

MINOTAP

FEB 13 1995

0.35
miles

35-8674

6.0

2
7.0 1839

Department of Water Resources

WELL INSPECTION FORM

If well is associated with water right, provide WR# 35-8674

Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

1. Legal Description: TWP 15, Rge 36E, Sec. 23, SE 1/4 SW 1/4
or Lot _____.

2. Owner: Frank J and Linda Lee Fuell

Address 802 N 450 E, City Firth, St FD

3. Casing $\geq$ 12 inches above ground: Yes _____ No ☒

4. Access Port: Yes _____ No ☒

Static Water Level: 24'

Pressure Gauge: Yes ☒ No _____

Casing Diameter: 6"

Flowing: Yes _____ No ☒

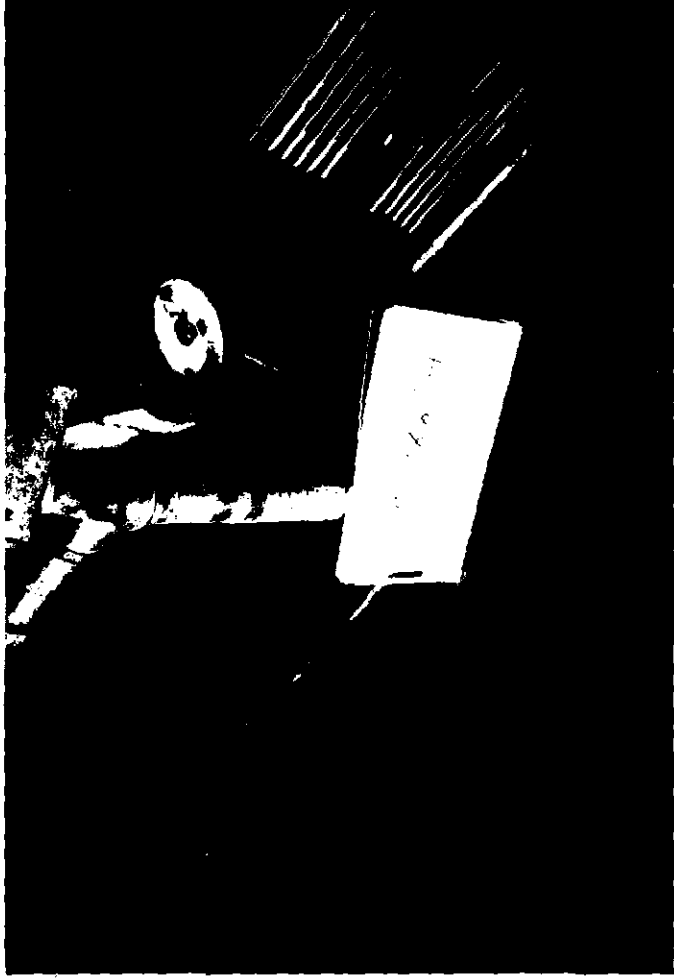
Temperature: N/A

5. Are there any obvious construction problems that may be a source for contamination or waste of water: Yes _____ No ☒

If answer to Item 5 is Yes, describe in remarks and attach photo.

Remarks: _____

RECEIVED
FEB 13 1995



FILED
FEB 18 1995

35-8674

November 23, 1990

FRANK J. FUELL
LINDA LEE FUELL
802 N. 450 E.
FIRTH, ID 83236

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08674

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

MICROFILMED

DEC 11 1990

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
March 6, 1990

FRANK J. FUELL
LINDA LEE FUELL
802 N. 450 E.
FIRTH, ID 83236

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P35-08674

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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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

Microfilm

MAR 09 1990

09-Jan-1990

Frank J. Fuell
802 N. 450 E.
Firth, ID 83236

RE: Application for Permit No. 35-8674

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. 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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6674
FUELL, Frank J.
FUELL, Linda Lee
802 N. 450 E.
Firth, Id. 83236
Source: GROUNDWATER
Diversion Pt: SESESW, Sec. 23, T. 01S, R.
36E.
Use: IRRIGATION (.100 CFS).
Total Diversion: (.100 CFS).
Date Filed: 8/30/1988.
In: T01S, R36E, S23, SESW.
5.0 ACRES TOTAL.

35-08835

POULSON, Weldon
POULSON, Jackman Guy
Aberdeen, Id. 83210
Source: GROUNDWATER
Diversion Pt: NENE, Sec. 26, T. 05S, R.
31E.
Use: IRRIGATION (3.100 CFS).
Total Diversion: (3.100 CFS).
Date Filed: 11/13/1989.
In: T05S, R31E, S26, NENE, NWNE,
SWNE, SENE.
155.0 ACRES TOTAL.

35-08836

POULSON, Jackman G.
POULSON, Jackman Guy
45 E. N. Canyon Rd.
Bountiful, Utah 84010
Source: GROUNDWATER
Diversion Pt: SWSE, Sec. 23, T. 05S, R.
31E.
Use: IRRIGATION (1.630 CFS).
Total Diversion: (1.630 CFS).
Date Filed: 11/13/1989.
In: T05S, R31E, S23, NWSE, SWSE, SESE.
81.5 ACRES TOTAL.

35-08843

BYINGTON, Danny
BYINGTON, Shirleen
776 S. 1500 W.
Pinegre, Id. 83262
Source: GROUNDWATER
Diversion Pt: NESE, Sec. 9, T. 04S, R. 33E.
Use: IRRIGATION (.400 CFS).
Total Diversion: (.400 CFS).
Date Filed: 8/16/1989.
In: T04S, R33E, S09, NESE.
20.0 ACRES TOTAL.

The permit(s) will be subject to all prior
water rights. Protests may be submitted bas-
ed 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 FEBRUARY
5, 1990.

R. KEITH HIGGINSON
Director

(639)
Pub.: 1/18, 25

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho)

I, Ted Townsend do
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

18th day of January, 1990;

and the last publication having been made on the
25th day of January, 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 31st day of January, in
the year 1990, before me a Notary Public of said State,
personally appeared

Ted Townsend
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 Rayen
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho.
My commission expires
November 10, 1994

Affidavit Processing Fee..... \$5.00

RECORDED

MAR 09 1990

DEPARTMENT OF WATER RESOURCES
Eastern Region
0 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 8, 1990

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 FEBRUARY 5, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

REPROFILMED

MAR 09 1990

35-08674

FUELL, FRANK J.
FUELL, LINDA LEE
802 N. 450 E.
FIRTH, ID 83236

Source: GROUNDWATER

Diversion Pt: SESESW Sec 23 T 01S R 36E

Use: IRRIGATION (.100 CFS)
Total Diversion: (.100 CFS)

Date Filed: 8/30/1988

In: T01S R36E S23 SESW

5.0 ACRES TOTAL

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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 FEBRUARY 5, 1990.

R. Keith Higginson, Director

Published 1/18/1990 & 1/25/1990

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MAR 09 1990

October 20, 1988

Frank J. or Linda Lee Fuell
802 N. 450 E.
Firth, Idaho 83236

RE: Application for Permit #35-8674

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your application for water right permit. The application has been assigned identification No. 35-8674. Please refer to this number in all future correspondence.

The Department can not proceed with the processing of your application at this time. It seeks the appropriation of water within the area covered by the civil suit of Idaho Power Company vs. Idaho Department of Water Resources, et al., Ada County Civil No. 81375 (Swan Falls Suit). Until there has been a final resolution to this suit and rules and regulations promulgated for considering new appropriations, the processing of applications in this area has been suspended. During the interim, your application will be held in this office.

The staff in our office will be glad to answer any questions you have concerning the above matter.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor

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